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ABSTRACT

The collection of six papers provides information on the history and culture of the Mississippi Band of Choctaw Indians that has not been readily available before. The papers, written by college-bound Choctaw high school students, concern three legends of Nanih Waiya, the Mother Mound of Choctaws in Mississippi; the traditional Choctaw courtship and wedding ceremony; Apushmataha, Choctaw chief of the early nineteenth century; the negotiations for the 1830 Treaty of Dancing Rabbit Creek; the equipment and rules for Choctaw stickball; and an overview of Choctaw self-determination. Each paper is illustrated with black and white photographs. (SB)

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A CHOCTAW ANTHOLOGY

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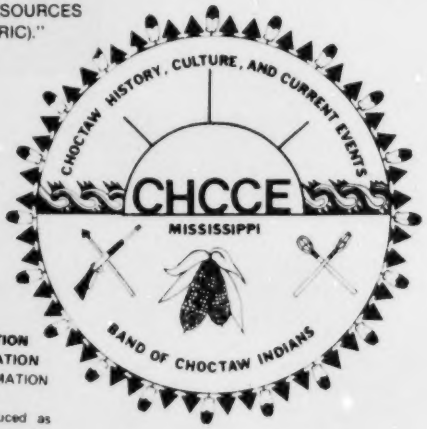

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This book was developed by the Choctaw History, Culture and Current Events Staff of the MISSISSIPPI BAND OF CHOCTAW INDIANS.

Tribal Chief
Phillip Martin

Director, Choctaw Department of Education
Carolyn Collins

Chairperson, Education Committee
Luke Jimmie

Director, Research and Curriculum Development
Bill Brescia

Choctaw History, Culture and Current Events Advisory Committee
Terry Ben
Bob Ferguson
Patricia K. Galloway
Eddie Gibson
Kevin Grant
Sharron Cauthen
Wanda Kittrell

For further information contact:

Museum of the Southern Indian
Mississippi Band of Choctaw Indians
Route 7, Box 21
Philadelphia, Mississippi 39350
(601) 656-5251

FOREWORD

This book is one of several planned publications of the Mississippi Band of Choctaw Indians for use in secondary schools. In the past, textbooks and material about the Choctaw tribe have been either of a scholarly nature and unavailable to tribal members, or have not been representative of tribal opinion. This collection of papers, written by the students and edited by the staff of the Choctaw History, Culture, and Current Events (CHCCE) project, is an attempt to fill some of this gap.

The CHCCE class at Choctaw Central High School was developed by the tribal Education Department as an experiment. Only students who are interested in pursuing college careers attend the class; and the purpose of the coursework is to provide students with necessary reading, research, composition, vocabulary development, and study skills to succeed in post-secondary work. These papers are final products of the first year's class; two more books of this type are planned.

The papers in this publication were edited according to three criteria: for clarity, through verification of sources, and by correction of mechanics. The editors have also provided additional information to expand original drafts.

This book, as well as the others in the planned series, is not designed to serve as a textbook of Choctaw history. There is information that is not yet available to us, in such places as the National Archives of France and Spain, which would preclude a project of that scope for the present. For the production of these papers, we have compiled many good resources from the Smithsonian Institute, the Mississippi Department of Archives and History, and the Museum of the American Indian. This project, in conjunction with several other projects now underway, will make available information that heretofore has only been available to those with the time and resources to do the necessary research.

I would like to praise the work of the young Choctaws just beginning their academic careers which makes up this book, and commend individually the CHCCE project editors, Kennith York, Jane Anderson, and Bill Brescia.

Phillip Martin, Chief
Mississippi Band of Choctaw Indians

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CHAPTER 1

LEGENDS OF NANIH WAIYA

Sandra Tubby

Nanih Waiya, the Mother Mound of the Choctaws, is located in east-central Mississippi, Winston County, near the Choctaw community Bogue Chitto. The mound sets in an open area, surrounded by farmland and woods. A creek, with the same name as the mound, runs nearby. About one-and-one-half miles due east of Nanih Waiya is a cave that is associated with the mound through oral narratives. In addition, several small mounds are in the vicinity. In 1898, Halbert described the mound thusly:

> The mound is oblong in shape, lying northwest and southeast and about forty-feet in height. (Today the mound is about forty-feet high. It is believed that at one time, its height was more than fifty feet, weathering being the reason for its present height.) Its base covers about an acre. Its summit, which is flat, has an area of one-fourth an acre. The mound stands on the southeastern edge of a circular rampart, which is about a mile and a half in circumference . . . According to Indian tradition, there were originally eighteen parts or sections of the rampart, with the same number of gaps. (Today, no visible signs of this structure remain.)[1]

Since little excavation of the mound has been undertaken, the initial purpose for the mound is not certain. However, three theories have been considered. Nanih Waiya may have been used as a burial mound, for protection from enemies and high water, or as a temple mound for ceremonies. It has been estimated that the construction of the mound lasted two or three generations. Large baskets, carried on the back, were used to carry the dirt that made up the mound.

Legends, passed down through oral narratives, surround Nanih Waiya. Some of these legends were recorded for the first time in the late eighteenth and early nineteenth centuries. Three of these legends will be described; two migration legends and one creation legend.

The first migration legend discussed is the legend described by Halbert. This version was related to Halbert by Rev. Peter Folsom, a Choctaw and Baptist Missionary. The ancestors of the Choctaws and Chickasaws, in ancient days lived in the far west and were led by two brothers, Chahta and Chikasa. Due to their increased number, it became necessary to find a new, more protected area in which to live. Their prophets told of a land to the east with fertile soil and plentiful game. The entire group decided to make the

[1]H. S. Halbert, *Nanih Waiya, the Sacred Mound of the Choctaws* Publications of the Mississippi Historical Society, Vol. 2, p. 223.

journey eastward to find this happy land. The group was led by a great prophet who carried a pole and at the end of each day's journey, the pole would be stuck into the ground in front of the camp. Each morning, the pole would be checked to see which direction it was leaning, as this determined the direction for that day's journey. Finally, "after the lapse of many moons, they arrived one day at Nanih Waiya. The prophet planted his pole at the base of the mound. The next morning the pole was seen standing erect and stationary. This was interpreted as an omen from the Great Spirit that the long sought-for land was at last found." Rev. Folsom's version explains the formulation of the two separate tribes---the Choctaw and the Chickasaw. The day that the pole stood erect, Chahta's group camped at Nanih Waiya while Chikasa's group crossed the creek and camped there. A great rain fell that night and continued for several days. Nanih Waiya Creek and the Pearl River became impassable. After the water receded, Chahta sent messengers to bid Chikasa and his group to cross the creek because the pole had designated the end of their search. The messengers, though, found that Chikasa and his people had journeyed northward. Chahta and his people remained at Nanih Waiya, the center of their new home.[2] The second migration legend discussed is related by Lincecum. As the ancestors of the Choctaw were searching for a new home, they carried with them the bones of their ancestors. Since this migration lasted many years, some of the

> families were loaded with so many of the bones of their deceased relatives that they could carry nothing else, and they got along very slowly. At this stage of the journey, there were a greater number of skeletons being packed along by the people, than there were of the living. The smallest families were heaviest loaded; and such were their adoration and affection for these dry bones, that before they could consent to leave them on the way, they would, having more bones than they could pack at one load, carry forward a part of them half a day's journey, and returning for the remainder, bring them up the next day. By this double traveling over the route, they were soon left a great distance in the rear. They would have preferred to die and rot with these bones in the wilderness, sooner than leave them behind.

Lincecum goes on to state that the leader gave a lot of thought to this dilemma of the burdensome bones. Scouts reported a lovely place of tall trees, running brooks, plentiful game, and abundant fruits and nuts. Finally, after a few more days travel, the chief went to observe the leader's pole, "which, at the moment of sunrise, danced and punched itself deeper into the ground; and after some time settled in a perpendicular position . . . ." Here, the chief decided, would be their stopping place.[3]

[2]Halbert, p.p. 228-229.

[3]Gideon Lincecum, "*Choctaw Traditions About Their Settlement in Mississippi and the Origin of their Mounds*", Publications of the Mississippi Historical Society, Vol. 8, p. 521.

Ethridge writes the following description of the burial of the bones that established Nanih Waiya as the Choctaws' permanent home. It was decided that they would

> in the most respectful manner bring together and pile up in beautiful and tasteful style, the vast amount of bones packed so far, and with which many people have been so grievously oppressed. Let each set of bones remain in its sack, and after the sacks are closely and neatly piled up, then let them be thickly covered over with cypress bark. After this, to appease and satisfy the spirits of our deceased relatives, our blood and kin, let all persons, old and young, great and small, manifest their respect for the dead by their energy in carrying dirt to cover them up, and let the work . . . be continued until every heart is satisfied.

The third legend discussed, a creation legend, is related by Halbert (1898). Many Choctaws regard Nanih Waiya as

> the birthplace and cradle of the mound, they say, ages, ago, the Great Spirit created the first Choctaws and through a hole or cave, they crawled forth into the light of day. Some say that only one pair was created, but others say that many pairs were created. Old Hapahkitubbe (Hopakitobi), who died several years ago in Neshoba County, was wont to say that after coming forth from the mound, the freshly made Choctaws were very wet and moist, and that the Great Spirit stacked them along on the rampart, as on a clothes line, so that the sun could dry them.[5]

These legends, that are part of the lore of the Choctaw, are three versions of several existing legends and, certainly, add a pleasing dimension to the factual history of the Choctaws. As to the answer to the questions --- Who were the builders of Nanih Waiya? . . . "all the evidence shows that they were Choctaw. There is no evidence that any race preceded the Choctaws in the occupancy of Central Mississippi. And it is not at all probable that the Choctaws would have held this mound in such excessive reverence if it had been built by an unknown or alien race."[6] Just as there is not a definite account of the origin of Nanih Waiya, there is not a definite interpretation of the meaning of Nanih Waiya. Lincecum says that Nanih Waiya means "leaning hill".[7] Halbert says that it means "bending hill".[8] According to Kennith York, a Choctaw living on the reservation near Nanih Waiya, a

[4]George H. Ethridge, "*The Choctaw Indians*", Clarion Ledger, July 10, 1939.

[5]Halbert, p.p. 229-230.

[6]Ibid., p. 233.

[7]Lincecum, p. 523.

[8]Halbert, p. 224.

possible interpretation could be Nana Awaya, "a place of creation".[9] Whatever the translation, the name Nanih Waiya holds special meaning for the Mississippi Choctaw.

A visit to the mound is a pleasant experience; and as one ascends to the top via wooden steps, it is not uncommon to feel a sense of respect and reverence for what Nanih Waiya means to the Choctaws. The site is now a state park and is protected from damage under state park laws. Until it became a state park, the mound was covered with trees---now it is covered with grass and stands as a quiet monument to a dignified group of people.

Editor's Note: After this paper was accepted for publication in this anthology, one of the editors had an opportunity to visit the Nanih Waiya area. The mound described in this account is the mound that is referred to on maps and in conversation when one speaks of visiting Nanih Waiya Mound. However, this mound may not be the "Mother Mound" referred to in Choctaw oral narratives. It is believed that this mound was one of four. One of these was completely destroyed many years ago by farmers who leveled it to increase farming area. Another, has yet to be located; however, at present, a group of Choctaw educators is searching for the location of this mound. The remaining mound in the Nanih Waiya area lies approximately one-and three fourths miles east northeast of the mound indicated on maps as Nanih Waiya. This tree-covered mound is much larger and higher. Archeologists believe that the swamp/creek to the north of the mound formed when the Choctaw took dirt from that area to build the mound. In the bottom of the mound is a cave that has various chambers and passages. If one enters the cave, just inside the opening, the sound of dripping water can be heard. This cave is believed by many present-day Choctaws to be the cave mentioned in the creation legend; and, this mound is believed to be the Mother Mound. The other mound (map mound) is thought to be a temple mound.

[9]Interview with Kennith York, Mississippi Band of Choctaw Indians, Philadelphia, Mississippi, 12 July 1983.

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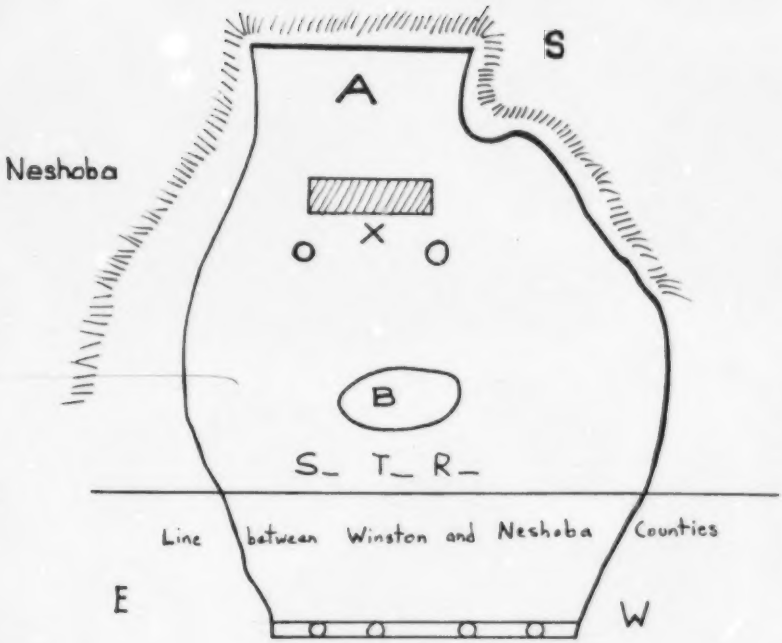
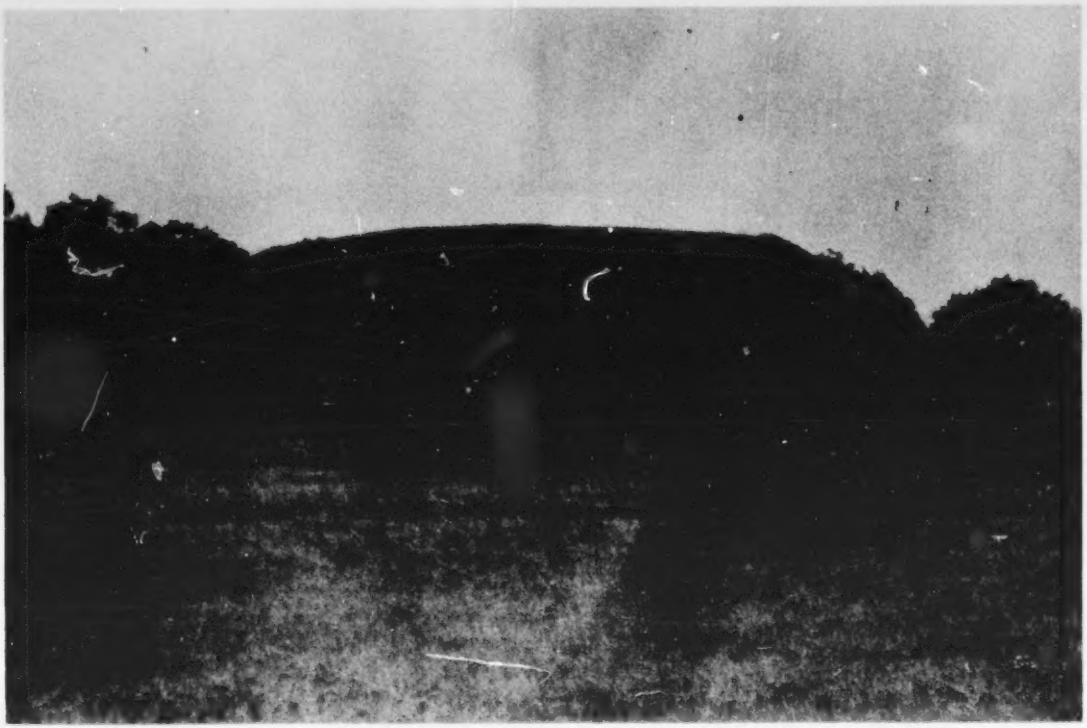


Illustration of Nanih Waiya site, drawn by B.L.C. Wailes. "A" is the principal mound, the other letters are not explained. Tribal members have questioned the accuracy of this map; however, it is the first drawing of the Nanih Waiya site. — *Reproduced by Theron Denson*

On Wednesday, December 6, 1854, B.L.C. Wailes recorded in his journal the following measurements for Nanih Waiya: "180 to 200 ft. long West to East and perhaps 100 to 125 ft. wide from North to South." — *Reprinted by permission Mississippi Department of Archives and History*

Nanih Waiya Mound Early 1900's (bare trees), Nanih Waiya State Park — *Reprinted by permission Mississippi Department of Archives and History*



Nanih Waiya as it stands today. This structure is believed to have been a temple mound. — *Photo by Bill Brescia*

CHAPTER 2

CHOCTAW WEDDING CEREMONY

Sharron Cauthen

Early in the 1800's, probably around 19,000 Choctaws were living in Mississippi. Today, there are approximately 5,000 Choctaws residing in the seven communities that constitute the Choctaw Reservation near Philadelphia, Mississippi. Like many distinct cultures, the Choctaws are rich in terms of traditional customs and ceremonies. Certainly, over the span of years, the apparent developments in the social structure of the tribe have caused some changes in their customs and ceremonies; but, still, they remain a vital part of Choctaw lifestyle. The Choctaw wedding ceremony has several customs that have been preserved through the years. The following is a discussion of this ceremony and its custom changes.

Benson states that "Marriage ceremonies were strictly observed by the Choctaws. Ministers, the agent, chief, interpreter and light-horsemen were legally authorized to solemnize the rites of matrimony.[1]

Many years ago, when a Choctaw man discovered that he was interested in a woman and his thoughts were of marriage, one of the first considerations was to determine whether or not they were relatives. If they were not, the parents or guardians would decide whether or not the young ones could marry. If the decision was in favor of the marriage, the plans would be made by the parents or guardians.

The Choctaw courtship was not a lengthy process, but rather brief. Cushman (1898) describes the procedure by explaining that when a young man decided upon the young woman that he wanted to marry, he would visit her home and in the midst of her family he would find "an opportunity to shoot slyly and unobserved, a little stick or small pebble at her." By this action, she knew that he was asking her to marry him. If she agreed, "she returned them as slyly and as silently as they came. If not, she suddenly sprang from her seat, turned a frowning face of disapproval upon him and silently left the room. That ended the matter, though not a word had been spoken between them." Providing the girl consented to his "proposal", he would soon leave, telling the parents "I go" whereupon they would respond "Very well". In a few days he returned with gifts for the parents and to secure their approval. Cushman continues by stating that the date was then set for the ceremony and friends were invited to attend. When the scheduled date arrived, the bride and groom were put in separate rooms. About two or three hundred yards from the house, a pole was set in the ground. Next the girl

[1]Henry C. Benson, *Life Among Choctaw Indians and Sketches of the South West* (New York: Johnson Reprint Corp., 1970), p. 150.

would leave the room in which she had been waiting and run towards the pole. When she had a good headstart, the boy would leave his room and try to catch her. She usually allowed him to overtake her just before she reached the pole. This act let the boy know that the ceremony would continue. It was possible, at this time, for the girl to change her mind and not let him catch her, but that was a rare occurrence. If, though, that did happen, the incident would be regarded as a public acknowledgement and the boy would be disappointed. As soon as he caught her, they exchanged a few words, then he led her back toward the house where they would be met by her lady friends. They would lead the girl to a blanket placed on the ground. A circle of women formed around the girl, each holding a bridal gift. The gifts were then tossed on the girl's head and immediately grabbed by someone in the party. The bride did not receive any of the gifts. When all of the gifts were disposed of, the couple was pronounced married. After this, a feast was enjoyed by all.[2]

Occasionally, nowadays, a traditional Choctaw wedding will be performed. Mary Morris, a Mississippi Choctaw, in a taped interview describes the ceremony. The wedding arrangements are made by the bride's mother and the groom's sisters, mother, and aunts. The decision for the date is made jointly by both sides of the families, but the bride's family is given preference. The suggested date is then approved by the groom's sisters, usually about two weeks hence. Once the date has been selected, the ceremony must take place on that date. According to custom, the ceremony is never held after noon, but always during the morning. In fact, the ceremony must be completed by noon. Should it rain or storm, the ceremony is continued but that is considered to be a bad omen.

The girl is expected to sew her own dress. Material for the dress, apron, and for giving to relatives is requested by the bride's mother from the boy's parents. In addition, her beads and shoes will come from his family. The relatives, upon being invited, are given a piece of cloth and are expected to bring some food for the feast. The boy's family provides the traditional food. Three traditional foods are prepared by the girl's family: meat, bread, and coffee. Many years ago deer meat was requested, then beef, but today, pork is the common meat requested. The hog is butchered, skinned, gutted, and presented whole to the girl's family. The boy's father and uncle pay for the hog. No matter how many relatives are expected, it is improper for the boy's family in any way to refuse to provide the food.

Friends are invited to the ceremony and can participate in the activities of both families or can choose to remain with one family. Many times, they bring gifts of food.

Two spokespersons are selected to perform or direct the ceremony. These spokespersons are selected from both sides of the family and will be a respected elder. During the ceremony, they face one another and give

[2] H. B. Cushman, *History of the Choctaw, Chickasaw, and Natchez Indians* (New York: Russell & Russell, 1972), p.p. 309-311.

directions and advice about life and of the world all during the ceremony.

Prior to the ceremony, the women of the girl's family prepare walakši (dumplings) and the men of the girl's family provide banaha (corn bread mixed with peas). The walakši and banaha are used during the ceremony.

On the day of the ceremony, the girl's family eats the traditional food provided by the boy's family. About 11:00 a.m., the boy's mother and aunts will arrive at the girl's house to see if they have finished eating the meat, bread, and coffee. At that time, the girl's mother and aunts will tell the boy's mother and aunts how much walakši and banaha is available as the boy's family will eat that later.

At that time, the boy and his family are gathered about one mile from the girl's house. When the news comes that the girl's family has finished eating, the boy and his family start walking toward the girl's house led by the spokesperson. About one-half mile from the house, the man's spokesperson yells, "We are coming." The girl's spokesperson yells back, "Come on."

At the house the girl's uncle has placed two chairs for the couple on the ground. The boy's mother places a red cloth or a blanket on the chairs and during the ceremony, whenever the bride and groom move, the groom's sister moves the cloth or blanket. This is called "placing the mat" for the bride. The walakši is set beside the girl's chair and the banaha is set beside the boy's chair. The girl's uncle picks up the banaha and the boy's sister picks up the walakši.

After the chairs are prepared, the bride's sister-in-law brings her out of the house and places her on the chair. The bride's mother's brother and brother-in-law escort the groom to his chair.

Next, the groom's family "decorate" the bride with ribbons by placing them all about her head. As the ribbons are placed on the bride's head, they are collected by the girl's brothers on behalf of her family.

As the ceremony ends, both families congratulate the couple. Now, there exists a bond between these families that was created through this ceremony. It is an unwritten law that this relationship is more important than material possessions. The families are now obligated to be kind to one another.

The bride's sister-in-law leads the girl to a secluded room. After the groom's family finish eating, they ask the girl if she is ready. She then leaves with them, taking all her belongings.

In keeping with the idea that human relationships are more important than material possessions, no "gifts" are exchanged. The girl is the gift to the man's side and food is the gift to the woman's side.[3]

The Choctaw wedding ceremony, as described here, represents an important tribal custom. Rich with family participation and meaningful,

[3]Interview with Mary Morris, The Mississippi Band of Choctaw Indians, Bogue Chitto, Mississippi, 14 July 1983. Translated from Choctaw to English by Kennith York, Mississippi Band of Choctaw Indians, Pearl River, Mississippi, 15 July 1983.

colorful ceremonial segments, it remains an integral part of Choctaw traditional heritage.

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The respective mothers and aunts meet to make arrangements about two to three weeks before the wedding day. — *Photo by Brantly Studio*

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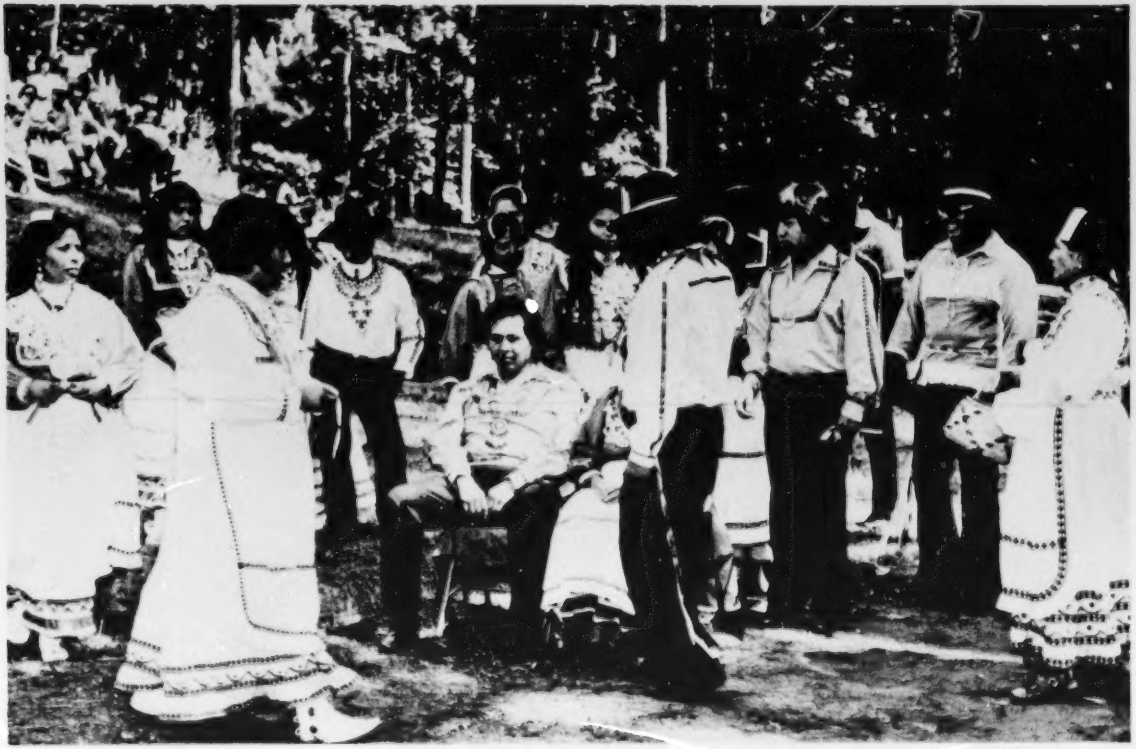
The site of the wedding. The bride's side of the family says they are ready for the wedding to start. They have prepared dumplings (walakši) for the groom's family to eat after the wedding. The dumplings are placed in lard buckets. The processional is led by the spokesperson (a respected elder) for the bride.— *Photo by Brantly Studio*



Gifts are given to the bride's uncle who distributes them to the bride's family as part of the "shower" — *Photo by Brantly Studio*

The wedding day is completed with everyone eating. The dumplings (walakśi) are in buckets and the bread (banaha) is in the bag. — *Photo by Brantly Studio*

CHAPTER 3

APUSHMATAHA

Jane Lewis

During the early 1800's, the Choctaw Nation was divided into three districts: the Western District, the Central District and the Southern District. These districts were made up of several villages with each village having its own leaders, and each district its own chief. Apukshunnubbe was chief of the Western District, Mushulatubbee was chief of the Central District, and Apushmataha* was chief of the Southern District. Apushmataha was the most famous of the Choctaw chiefs and was admired and respected by those who knew him.

He was born in 1764 in one of the villages of the Six Towns people. Apushmataha and his sister were left orphans when their parents were reportedly killed by the Creeks. The first recollection of Apushmataha's appearance among the Choctaw was in the company of some hunters. According to Harkins, the fellow hunters were curious about the identity of this newcomer; but, because the Choctaw considered it discourteous to question strangers, they were reluctant to question him. However, his hunting skill soon brought enough attention that an old man of the hunting party was sent to inquire as to his identity; when asked, the boy "merely replied, 'I am Choctaw'."[1]

For some time after, he was called Hohchifoiksho (Nameless).[2] The true origin and meaning of Apushmataha's name may never be known. Among the suppositions are: "completion of a child separted from his mother", and "one whose tomahawk is fatal in wars or when hunting". When comments were made about his daily hunting successes, it is reported that Apushmataha replied, "It is nothing"[3] and "it was nothing to what he could and would do".[4] Then he was called Istalauta "Braggart".[5] In several battles between the Choctaws and the Creeks over boundary disputes, he earned the reputation of a brave warrior throughout the nation. Because of his distinguished accomplishments, he was given the name Koi Hosh (The Panther).[6] The Choctaw engaged in a squirmish with the Osage in the Red River country because they invaded the cane brakes in the Yazoo Delta.

[1]F. Harkins, *In Defense of Pushmataha*" Antlers American 30 September 1937.

[2]H. Ethridge, *The Mississippi Indians Chief Pushmataha* Clarion Ledger, 21 May 1939.

[3]Harkins.

[4]Ethridge

[5]Harkins.

[6]Ibid.

* *Other common spellings Pushmataha or Pushmatahabi*

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Before European contact, the Choctaw couple sat on a bear or deer skin during the wedding. Today, trade cloth is placed on the chairs. Mary Morris, second from right, was our consultant on the Choctaw Wedding. — *Photo by Brantly Studio*

The bride and groom are led to a place where they will be congratulated by members of both families. *Photo by Brantly Studio*

The families assemble to congratulate the couple. The man on the far right is the spokesperson for the groom's family.
— Photo by Brantly Studio

Harkins say that "Koi Hosh was placed in supreme command of the three divisions. The campaign proved a great victory for the Choctaws."[7] Again his name was to be changed, this time to a war name. At the ceremony to confer his new name, the warriors and chieftains took numerous agates from the medal bag to decorate Koi Hosh. Soon, the agates were all removed and "the chief among them thereupon said: 'I will now confer upon you the greatest name ever given a warrior; I will call you Apushmataha, meaning "No more in the bag." '"[8] Finally, Apushmataha was to be given a name that would be permanent. Apushmataha, according to Lincecum,

> was about five feet ten inches in height, stood very erect, full chest, square, broad shoulders and fine front and elevated top head. His mouth was very large, lips rather thick, eyes and nose very good, projecting brow, and cheek bones very prominent. He lacked a great deal of being what the world calls handsome. But he had that inexplicable attribute about him which belongs only to the truly great, that which forced the ejaculation, 'Who is that?' from all observant strangers.[9]

Apushmataha was considered by Harkins to be "the greatest Indian who ever lived, based upon his accomplishments in life; and a humanitarian second to none, in the Western Hemisphere."[10] His accomplishments were many. Following is an overview that describes some of his accomplishments for which he is known. In 1811, the Shawnee Chief, Tecumseh, acting as a spokesman for the English, attempted to enlist aid of the Choctaws, Chickasaws, Cherokees, Muscogees, and Seminoles as allies against the Americans. Tecumseh, along with thirty Shawnee warriors, asked for a meeting with the Chickasaws and the Choctaws. The theme of Tecumseh's talk was to convince the Southern tribes to join the English in their fight against the Americans. His speech was effective and it was obvious that many were responding to his proposals. Some of the Chickasaw and Choctaw chiefs concurred with Tecumseh and it appeared that his efforts had been successful when Apushmataha addressed the assembly. According to Cushman, he was "the most renowned and influential chief of the Choctaws, a man of great dignity, unyielding firmness, undisputed bravery, undoubted veracity, sound judgment, and the firm and undeviating friend of the American people".[11] The Indians referred to him as "Waterfall" because of his pleasing, rhythmical voice. After he completed his eloquent,

[7] Ibid.

[8] Ibid.

[9] Gideon Lincecum, *Life of Pushmataha*, Chahta Anumpa, May 1971, Vol. 2, No. 7, p.3.

[10] Harkins.

[11] H. B. Cushman, *History of the Choctaw, Chickasaw, and Natchez Indians* (New York: Russell & Russell, 1972) p. 252.

moving speech, it was obvious to Tecumseh that Apushmataha had persuaded those present to remain loyal to the Americans. The debate between Tecumseh and Apushmataha has been referred to as "one of the most classic debates in history, establishing the course of Indian-white relations in the South.[12] After this declaration of loyalty to the American people, Apushmataha proved himself again and again a strong American ally. At a council meeting he made the statement that if any Choctaws joined the Muscogees and British they should be shot. In the Creek War, Apushmataha and seven-hundred minkos, medal-chiefs, and warriors fought with General Andrew Jackson. In the Battle of New Orleans, 1812, he was there with five-hundred warriors. Harkins reports that when five-hundred settlers were slaughtered at Fort Mims on August 30, 1813, Apushmataha, along with his warriors, offered their help to the American forces. Shortly after these events, Apushmataha

> was commissioned a brigadier general in the American army by General Andrew Jackson. General Claiborne presented (him) with a splended suit of regimentals, gold euplets, sword and silver spurs, and a hat and feather for his valiant war services against the Muscogees. The state of Mississippi also presented the "Indian General" with a rifle because of his gallantry in the protection of white settlers.[13]

Through his many accomplishments in the public realm of his life, Apushmataha evolved into an honorable man, respected and admired by both Indians and whites. From the few glimpses into his private life that history affords, it appears that he was equally honorable in personal actions. One account by Cushman describes an occasion when Apushmataha defended his wife's honor. In 1814, during the Creek War

> a white soldier, grossly insulted the wife of the distinguished Choctaw chief, for which the justly indignant chief knocked him down with the hilt of his sword . . . Being arrested for the just and meritorious act, and asked by the commanding general the reasons, he fearlessly answered: "He insulted my wife, and I knocked the insolent dog down . . . ."[14]

According to M'Kenny, Apushmataha was an expert stickball player (kabočča toli) and spent many hours playing and perfecting his skill.[15] When

[12]Howard P. Hildreth, *White Man's Chief* Unpublished Document Preface, p. 3.

[13]Harkins.

[14]Cushman, p. 266.

[15]Thomas L. M'Kenny, *History of the Indian Tribes of North America with Biographical Sketches and Anecdotes of the Principal Chiefs, Vol. 1* (Philadelphia: Frederick W. Greenough, 1838), p. 32.

Apushmataha was about sixty years of age (1823), he walked to a council meeting about eighty miles from his home. Present at the council were John Pitchlynn, United States interpreter to the Choctaw and Ward, a United States agent. They decided to purchase Apushmataha a horse with the restriction that he would not sell the horse. Later, Apushmataha visited the agency without the horse and when Ward inquired as to the whereabouts of the horse, Apushmataha replied that he lost is in a stickball bet. " 'But you promised . . . that you would not sell the horse' (said Ward). 'True, I did,' reported the venerable old chief. 'But I did not promise you and my good friend, John Pitchlynn, that I would not bet him in a game of ball.[16]

Of the nine treaties between the United States and the Choctaw Nation from 1786 until 1830, Apushmataha's name appears on three. The first is the Treaty of Mount Dexter, November 15, 1805, when 4,142,720 acres of Choctaw lands were ceded. The second is the treaty of Fort Stephens, October 24, 1816, when about 10,000 acres of Choctaw lands were ceded. The third is the Treaty of Doak's Stand, the sale of a portion of the tribal lands to support schools thereby enabling Choctaw children to attend the Choctaw Academy near Blue Springs, Scott County, Kentucky, established in 1825. Although, he never attended a formal school, his associations with Indian and white contemporaries, in war and peace, proved him the "peer of them all!"[17] In 1824, Apushmataha was a member of a Choctaw delegation to Washington, D.C. While there, he died on December 24. He was given a military funeral and was buried in the United States Congressional Cemetary. As a memorial to this Choctaw statesman, a sandstone grave marker was placed at his gravesite. Today, that marker stands in the Museum of the Southern Indian on the Choctaw Reservation near Philadelphia, Mississippi.

I am glad that his mortal remains were buried in the soil of our national capital; that a monument was there erected containing the noble tribute of John Randolph of Roanoak, rendered as an appreciation of his greatness and his friendship. I am glad that his memory has not passed away; and I hope that the historian may yet discover more of the details of the scenes in which he was an actor and that a better story of his life may be written than has yet appeared. He deserves it. May his eloquent mantle and profound wisdom descend upon more of his tribe; and may his memory be preserved to all who appreciate his native ability and superby eloquence. May his sleep be peaceful and serene until the land and the sea shall give up their dead.

— George Ethridge, 1939

[16]Cushman, p. 268.

[17]Robert B. Ferguson *Treaties Between the United States and the Choctaw Nation* Unpublished Document.

[18]Harkins.

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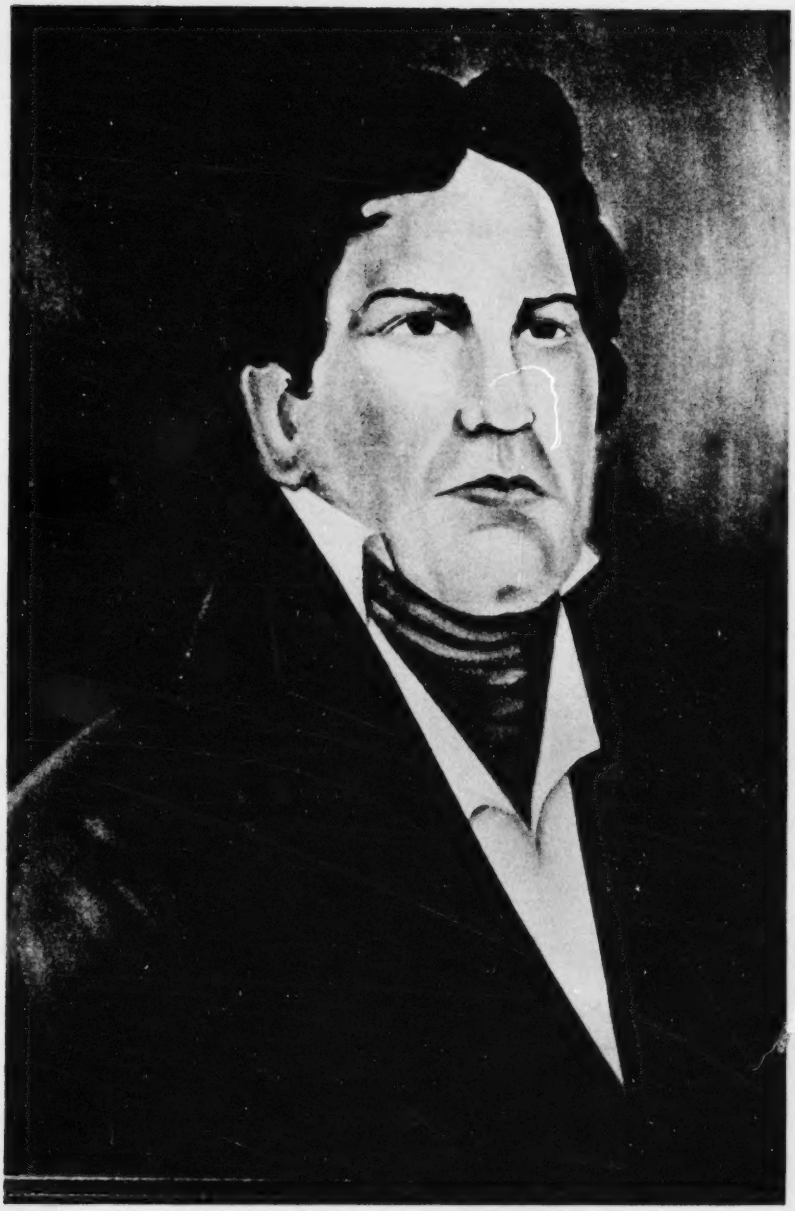
Apushmataha, 1764-1824. Noted Choctaw Chief (Miko). From an oil painting by C. B. King —
Photo courtesy of Museum of Southern Indian, Choctaw Reservation, Photo by Claude Allen

Apushmataha, copied from King's original oil painting — *Photo courtesy of Museum of the Southern Indian, Choctaw Reservation, Photo by Claude Allen*

Apushmataha, wearing native Choctaw jacket or coat — *Theron Denson, Artist*



Apushmataha, dressed in formal wear — *Photo courtesy of Museum of Southern Indian, Choctaw Reservation, Photo by Claude Allen*

Apushmataha, grave marker now in the Museum of Southern Indian, Choctaw Reservation
Photo courtesy of Museum of Southern Indian, Choctaw Reservation, Photo by Claude Allen

CHAPTER 4

TREATY OF DANCING RABBIT CREEK

Debra Smith

During 1830, the Andrew Jackson Administration and the Choctaw Nation signed the Treaty of Dancing Rabbit Creek. In 1831, 1832, and 1833, most of the Choctaws moved west of the Mississippi, but a few remained in Mississippi. The major purpose of this paper is to explain the conditions stated in the treaty. In addition, there will be a discussion of some of the hardships the Choctaws faced and the agony they suffered. Through this treaty experience the United States Government learned a valuable lesson, i.e. the U. S. Government established a perpetual obligation to provide education, health, and general welfare services to the Choctaw people.

Shortly after the Removal Act of 1830, President Andrew Jackson appointed Secretary of War John Eaton and General John Coffee to meet with the Choctaws for the cession of all their land. President Jackson chose the Choctaws because they had contact with white people long before other Southeastern Indians had. Also, the Choctaws had sold some of their land to the white people at an earlier date. Because they sold some of their land before, the U. S. Government assumed the Choctaws would give up their land without hesitation, or question.

The location for the signing of the treaty was in what is now Noxubee County, Mississippi. It was between the forks of Dancing Rabbit Creek.[1] About six thousand Choctaws, or one fourth of the Choctaw population, came to the Treaty grounds.[2]

They were divided into groups of one hundred and each Choctaw received a ration of one and one-half pounds of beef, a pint of corn daily and a quart of salt.[3] In addition to the Choctaws, came the worst element of white society (gamblers, saloon-keepers, frontier rowdies, and prostitutes) to meet the government negotiators.

Secretary of War John Eaton and John Coffee ordered "all missionaries away from the treaty ground on September 15 on the pretext that the presence of missionaries would be 'improper', for the commissioners and Indians were negotiating a treaty - not holding divine services."[4]

[1] H. S. Halbert, *Story of the Treaty of Dancing Rabbit*, Publications of the Mississippi Historical Society, ed. Franklin L. Riley 6 (1902) 373.

[2] Ibid., p. 375.

[3] Arthur H. DeRosier, Jr., The Removal of the Choctaw Indians, (Knoxville: The University of Tennessee Press, 1970, reprinted, 1972) p. 120.

[4] Ibid., p. 120-121.

On Saturday, September 18, 1830, the treaty negotiation formally opened with speeches delivered by the Commissioners.[5] The Commissioners urged the Choctaw Nation to consider President Jackson's proposal of land cession and removal to lands across the Mississippi River. The original treaty presented by the Commissioners stipulated that the Choctaw "evacuate all of their Mississippi land and emigrate en masse to the Choctaw lands retained by the Treaty of 1825." Eaton also told the Choctaws if they removed themselves to the west of the Mississippi River they would continue their own tribal government, but if they remained in Mississippi they would be subjected to United States laws.[6] In addition, the Choctaws were to receive "money, farm and household equipment, subsistence for a full year, and pay for (any) improvements they have made on their land in Mississippi."[7]

As the days continued, there were numerous inducements for the Choctaws to reach the decision that the commissioners wanted to hear. One of the Commissioners gave to the Choctaw delegation during the negotiations the following rationale:

> It is not your lands, but your happiness that we seek to obtain . . . We seek no advantages; we will take none. Your Great Father will not approve such a course . . . He has sent us not as traders, but as friends and brothers . . . Are you willing to be sued in courts, there to be tried for any offense you may commit; to be subjected to taxes, to work upon roads, and attend in musters? For all these you must do. If under this state of things you can be contented and happy, then dwell upon the land where you live. But if you are satisfied that under such a state of things you cannot be happy, consent to remove beyond the Mississippi when you will be away from the white people and their laws and be able to live under your own . . . Decide to remove and liberal provisions will be made to carry you to a country where you can be happy, and where already a portion of your fathers and brothers have gone in peace to reside. It is a desirable region, double extent to the one you occupy, and large and fertile enough for twice and three times the number of people you have. There your Great Father can be your friend; there he can keep the white man's laws from interrupting and disturbing you; and there, too, he will guard you against all enemies, whether they be white or red; there no State or Territory will be created, and he will have it in his power to protect you fully in your usages, laws, and customs. Here you can do these things, because neither he nor Congress possess authority to prevent the States extending their jurisdiction over you and throughout their limits.

[5]Ibid., p. 121.

[6]Ibid., p. 122.

[7]Ibid., p. 122.

> Brothers, in the country to which you go west the United States will protect you from your enemies. Their object will be to preserve you at peace with yourselves and with all mankind, to perpetuate you as a nation and to render you a happy and prosperous observation shows that wretchedness and distress will be yours to remain where you are. The kind and friendly feelings of the Great Father will be inefficient to preserve you from these inevitable results.[8]

On September 23, 1830, the Choctaw delegation surprised the Commissioners by rejecting the President's proposal. The Choctaw delegation provided two reasons for their rejection. They were: (1) The Indians wanted a perpetual guarantee that the United States would never try to possess the Choctaw's new home in the west; and (2) they were dissatisfied with the lands that were offered them in Indian territory.[9] However, Secretary Eaton and General Coffee believed that the Choctaws were bluffing. The Commissioners told the Choctaw delegation that the armed forces of America would completely destroy the Choctaw Nation within two weeks if they should challenge the U. S. Government. The federal negotiators told the Choctaws that they were leaving for Washington City the following day and they wanted the treaty to be signed. Although the end of the Choctaw Nation was inevitable, the Choctaw leaders delayed their decision until September 27, 1830.

After many days of consideration and negotiation the Choctaw delegation finally made their decision to sign the treaty. The Treaty of Dancing Rabbit Creek was signed on September 27, 1830. The remaining 10,423,130 acres of Choctaw land transferred to the U. S. Government.[10] Three years were allowed by the U. S. Government for the removal. One group was to leave in the fall of 1831, another in 1832, and the last in 1833.[11] The removal in 1831 had a late start and the Choctaw people were exposed to severe winter storm blanketing the Missouri-Arkansas area. One observer wrote that the removal agents saved "thousands of them from . . . the 'living hell' of the winter of 1831-32".[12]

Those Choctaws who wished to remain in their ancestral homeland could do so under provisions of Article Fourteen of the Treaty of Dancing Rabbit Creek. The article of the treaty stated:

> ARTICLE 14. Each Choctaw head of a family being desirous to remain, and become a citizen of the States, shall be permitted to do so, by

[8]Halbert, *Dancing Rabbit*, p. 379.

[9]DeRosier, *Choctaw Indians*, p. 123.

[10]Ibid., p. 124.

[11]Ronald N. Satz, American Indian Policy in the Jacksonian Era (Lincoln: University of Nebraska Press, 1975), p. 70.

[12]Ibid., p. 78.

signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey: in like manner, shall be entitled to one half that quantity, for each unmarried child which is living with him, over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states, for five years after the ratification of this treaty, in that case, a grant of land in fee simple shall be issued; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.[13]

Due to mismanagement by Indian agent, William Ward, numerous Choctaws who registered for reservation land did not receive their treaty rights as stipulated in Article 14. The frauds uncovered by the 1838 Commission were so obvious and overwhelming that other investigations were launched in 1842, 1845, and on through the nineteenth century and even into the twentieth century."[14]

Those Choctaws who were removed to Indian territory experienced extreme hardship. Approximately one hundred Choctaw migrants were reported dead in the first removal. In a report by the Choctaw agency in southeastern Indian territory, of the three thousand Choctaws migrating up to that time, some six hundred, or one-fifth, died either on the five hundred mile journey west, or soon after arrival.[15] Chief David Folsom summed up the feelings of the Choctaw people in a letter to the Presbyterian ministers in the nation. He wrote, 'We are exceedingly tired. We have just heard of the ratification of the Choctaw treaty. Our doom is sealed. There is no other course for us but to turn our faces to our new homes toward the setting sun."[16]

Due to arguments about when to leave for Oklahoma and inefficiencies in the Choctaw removal to Indian territory, the expenditure for the removal was quite high. The total expenditure of Dancing Rabbit Creek Treaty and removal came to $5,097,367.50, or about two million dollars more than the amount Jackson's Administration had assured Congress would be needed to remove all eastern tribes to lands west of the Mississippi River.[17] According

[13]DeRosier, *Choctaw Indians*, p. 178.

[14]Ibid., p. 136.

[15]Jesse Burt and Robert B. Ferguson, Indians of the Southeast: Then and Now (Nashville: Abington Press, 1973), p. 168.

[16]DeRosier, *Choctaw Indians*, p. 128, quoted in Czarina C. Conlan, David Folsom: *Chronicles of Oklahoma*, 4:4 (December, 1926) :353.

[17]Satz, *Jacksonian Era*, p. 87.

to the Jacksonian cabinet, the Choctaw removal was only a partial failure. While it was not the showcase Jacksonians had hoped for, the Dancing Rabbit Creek Treaty and removal did exemplify the wholesale removal of all other eastern tribes during this critical period in federal-Indian relationships.[18]

The Treaty of Dancing Rabbit Creek was signed over a century ago. Many Choctaws still remember the westward trek as told to them by the elders. The elders continue to tell the young ones of the lands west of the Mississippi River and the promise by the U. S. Government that Indian territory will always remain in the hands of Indian people. The Choctaw Indians are citizens of the United States by the virtue of the Treaty of Dancing Rabbit Creek. The members of the Mississippi Band of Choctaw Indians still reside on the ancestral homeland of the great and powerful Choctaw Nation. Although there are Choctaw people throughout the U. S., the Mississippi Choctaws, perhaps, are the most traditional as they continue the culture, language and history of this great Indian nation. Although the Choctaw Indians were the undisputed proprietors of a large portion of the domain in Mississippi, they now occupy approximately 18,000 acres of scattered reservation land in six counties in east central Mississippi. It will take a long time, but a sovereign Indian nation is rebuilding its rightful place in today's society.

[18]Ibid., p. 87.

TREATY WITH THE CHOCTAW, 1830.

A treaty of perpetual friendship, cession and limits, entered into by John H. Eaton and John Coffee, for and in behalf of the Government of the United States, and the Mingoes, Chiefs, Captains and Warriors of the Choctaw Nation, begun and held at Dancing Rabbit Creek, on the fifteenth of September, in the year eighteen hundred and thirty.

Whereas the General Assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws. Now therefore that the Choctaw may live under their own laws in peace with the United States and the State of Mississippi they have determined to sell their lands east of the Mississippi and have accordingly agreed to the following articles of treaty.

ARTICLE I. Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoes, Chiefs, and Warriors of the Choctaw Nation of Red People, and that this may be considered the Treaty existing between the parties all other Treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

ARTICLE II. The United States under a grant specially to be made by the President of the U.S. shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits, thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas, thence north along that line to the beginning. The boundary of the same to be agreeably to the Treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present Treaty shall be ratified.

ARTICLE III. In consideration of the provisions contained in the several articles of this Treaty, the Choctaw nation of Indians consent and hereby cede to the United States the entire country they own and possess, east of the Mississippi River, and they agree to move beyond the Mississippi River, early as practicable, and will so arrange their removal, that as many as possible of their people not exceeding one half of the whole number, shall depart during the falls of 1831 and 1832, the residue to follow during the succeeding fall of 1833, a better opportunity in this manner will be afforded the Government to extend to them the facilities and comforts which it is desirable should be extended in conveying them to their new homes.

ARTICLE IV. The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of Red People the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of Red People and their descendants, and that no part of the land granted them shall ever be embraced in any Territory or State, but the U.S. shall forever secure said Choctaw Nation from, and against, all laws except such as from time to time may be enacted in their own National Councils, not inconsistent with the Constitution, Treaties, and Laws of the United States, and except such as may, and which have been enacted by Congress, to the extent that Congress under the Constitution are required to exercise a legislation over Indian Affairs. But, the Choctaws, should this treaty be ratified, express a wish that Congress may grant to the Choctaws the right of punishing by their own laws, any white man who shall come into their nation, and infringe any of their national regulations.

ARTICLE V. The United States are obliged to protect the Choctaws from domestic strife and from foreign enemies on the same principles that the citizens of the United States are protected, so that whatever would be a legal demand upon the U.S. for defense or for wrongs committed by an enemy, on a citizen of the U.S. shall be equally binding in favor of the Choctaws, and in all cases where the Choctaws shall be called upon by a legally authorized officer of the U.S. to fight an enemy, such Choctaws shall receive the pay and other emoluments which citizens of the U.S. receive in such cases, provided, no war shall be undertaken or prosecuted by said Choctaw Nation but by declaration made in full Council, and to be approved by the U.S. unless it be in self defence against an open rebellion or against an enemy marching into their country, in which cases they shall defend, until the U.S. are advised thereof.

ARTICLE VI. Should a Choctaw or any party of Choctaws commit acts of violence upon the person or property of a citizen of the U.S. or join any war party against any neighbouring tribe of Indians, without the authority in the preceeding article, and except to oppose an actual or threatened invasion or rebellion, such person so offending shall be delivered up to an officer of the U.S. if in the power of the Choctaw Nation, that such offender may be punished as may be provided in such cases, by the laws of the U.S. but, if such offender is not within the control of the Choctaw Nation, then said Choctaw Nation shall not be held responsible for the injury done by said offender.

ARTICLE VII. All acts of violence committed upon persons and property of the people of the Choctaw Nation either by citizens of the U.S. or neighbouring Tribes of Red People, shall be referred to some authorized Agent by him to be referred to the President of the U.S. who shall examine into such cases and see that every possible degree of justice is done to said Indian party of the Choctaw Nation.

ARTICLE VIII. Offenders against the laws of the U.S. or any individual State, shall be apprehended and delivered to any duly authorized person where such offender may be found in the Choctaw country, having fled from any part of U.S. but in all such cases application must be made to the Agent or Chiefs and the expense of his apprehension and delivery provided for and paid by the U. States.

ARTICLE IX. Any citizen of the U.S. who may be ordered from the Nation by the Agent and constituted authorities of the Nation and refusing to obey or return into the Nation without the consent of the aforesaid persons, shall be subject to such pains and penalties as may be provided by the laws of the U.S. in such cases. Citizens of the U.S. travelling peaceably under the authority of the laws of the U.S. shall be under the care and protection of the nation.

ARTICLE X. No person shall expose goods or other article for sale as a trader, without a written permit from the constituted authorities of the Nation, or authority of the laws of the Congress of the U.S. under penalty of forfeiting the Articles, and the constituted authorities of the Nation shall grant no license except to such persons as reside in the Nation and are answerable to the laws of the Nation. The U.S. shall be particularly obliged to assist to prevent ardent spirits from being introduced into the Nation.

ARTICLE XI. Navigable streams shall be free to the Choctaws who shall pay no higher toll or duty than citizens of the U.S. It is agreed further that the U.S. shall establish one or more Post Offices in said Nation, and may establish such military post roads, and posts, as they may consider necessary.

ARTICLE XII. All intruders shall be removed from the Choctaw Nation and kept without it. Private property to be always respected and on no occasion taken for public purposes without just compensation being made therefor to the rightful owner. If an Indian unlawfully take or steal any property from a white man a citizen of the U.S. the offender shall be punished. And if a white man unlawfully take or steal any thing from an Indian, the property shall be restored and the offender punished. It is further agreed that when a Choctaw shall be given up to be tried for any offence against the laws of the U.S. if unable to employ counsel to defend him, the U.S. will do it, that his trial may be fair and impartial.

ARTICLE XIII. It is consented that a qualified Agent shall be appointed for the Choctaws every four years, unless sooner removed by the President, and he shall be removed on petition of the constituted authorities of the Nation, the President being satisfied there is sufficient cause shown. The Agent shall fix his residence convenient to the great body of the people, and in the selection of an Agent immediately after the ratification of this Treaty, the wishes of the Choctaw Nation on the subject shall be entitled to great respect.

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the rabification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the rabification of this Treaty, in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

ARTICLE XV. To each of the Chiefs in the Choctaw Nation (to wit) Greenwood Laflore, Nutackachie, and Mushulatubbe there is granted a reservation of four sections of land, two of which shall include and adjoin their present improvement, and the other two located where they please but on unoccupied unimproved lands, such sections shall be bounded by sectional lines, and with the consent of the President they

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may sell the same. Also to the three principal Chiefs and to their successors in office there shall be paid two hundred and fifty dollars annually while they shall continue in their respective offices, except to Mushulatubbe, who as he has an annuity of one hundred and fifty dollars for life under a former treaty, shall receive only the additional sum of one hundred dollars, while he shall continue in office as Chief: and if in addition to this the Nation shall think proper to elect an additional principal Chief of the whole to superintend and govern upon republican principles he shall receive annually for his services five hundred dollars, which allowance to the Chiefs and their successors in office shall continue for twenty years. At any time when in military service and while in service by authority of the U.S. the district Chiefs under and by selection of the President shall be entitled to the pay of Majors, the other chief under the same circumstances shall have the pay of a Lieutenant Colonel. The Speakers of the three districts shall receive twenty five dollars a year for four years each, and the three secretaries one to each of the chiefs, fifty dollars each for four years. Each Captain of the Nation, the number not to exceed ninety nine, thirty three from each district, shall be furnished upon removing to the West, with each a good suit of clothes and a broad sword as an outfit, and for four years commencing with the first of their removal, shall each receive fifty dollars a year, for the trouble of keeping their people at order in settling, and whenever they shall be in military service by authority of the U.S. shall receive the pay of a captain.

ARTICLE XVI. In wagons, and with steam boats as may be found necessary—the U.S. agree to remove the Indians to their new homes at their expense and under the care of discreet and careful persons, who will be kind and brotherly to them. They agree to furnish them with ample corn and beef, or pork for themselves and families for twelve months after reaching their new homes.

It is agreed further that the U.S. will take all their cattle, at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money after their arrival at their new homes, or other cattle such as may be desired shall be furnished them, notice being given through their Agent of their wishes upon this subject before their removal that time to supply the demand may be afforded.

ARTICLE XVII. The several annuities and sums secured under former Treaties to the Choctaw nation and people shall continue as though this Treaty had never been made.

And it is further agreed that the U.S. in addition will pay the sum of twenty thousand dollars for twenty years, commencing after their removal to the west, of which, in the first year after their removal, ten thousand dollars shall be divided and arranged to such as may not receive reservations under this Treaty.

ART. XVIII. The U.S. shall cause the lands hereby ceded to be surveyed, and surveyors may enter the Choctaw Country for that purpose, conducting themselves properly and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the nation, or the lands to be sold before the Choctaws shall remove. And for the payment of the several amounts secured in this Treaty, the lands hereby ceded are to remain a fund pledged to that purpose, until the debt shall be provided for and arranged. And further it is agreed, that in the construction of this Treaty wherever well founded doubt shall arise, it shall be construed most favorable towards the Choctaws.

ARTICLE XIX. The following reservations of land are hereby admitted. To Colonel David Fulsom four sections of which two shall include his present improvement, and two may be located elsewhere, on unoccupied, unimproved land.

To I. Garland, Colonel Robert Cole, Tuppanahomer, John Pytchlynn, Charles Juzan, Johokebetubbe, Eaychahoba, Ofehoma, two sections each, to include their improvements, and to be bounded by sectional lines, and the same may be disposed of and sold with the consent of the President. And that others not provided for, may be provided for, there shall be reserved as follows.

First. One section to each head of a family not exceeding Forty in number, who during the present year, may have had in actual cultivation, with a dwelling house thereon fifty acres or more. Secondly, three quarter sections after the manner aforesaid to each head of a family not exceeding four hundred and sixty, as shall have cultivated thirty acres and less than fifty, to be bounded by quarter section lines of survey, and to be contiguous and adjoining.

Third. One half section as aforesaid to those who shall have cultivated from twenty to thirty acres the number not to exceed four hundred. Fourth. a quarter section as aforesaid to such as shall have cultivated from twelve to twenty acres, the number not to exceed three hundred and fifty, and one half that quantity to such as shall have cultivated from two to twelve acres, the number also not to exceed three hundred and fifty persons. Each of said class of cases shall be subject to the limitations contained in the first class, and shall be so located as to include that part of the improvement which contains the dwelling house. If a greater number shall be found to be entitled to reservations under the several classes of this article than is stipulated for under the limitation prescribed, then and in that case the Chiefs separately or together shall determine the persons who shall be excluded in the respective districts.

Fifth. Any Captain the number not exceeding ninety persons, who under the provisions of this article shall receive less than a section, he shall be entitled, to an additional quantity of half a section adjoining to his other reservation. The several reservations secured under this article, may be sold with the consent of the President of the U.S. but should any prefer it, or omit to take a reservation for the quantity he may be entitled to, the U.S. will on his removing pay fifty cents an acre, after reaching their new homes, provided that before the first of January next they shall adduce to the Agent, or some other authorized person to be appointed, proof of his claim and the quantity of it. Sixth. Likewise children of the Choctaw Nation residing in the Nation, who have neither father nor mother a list of which, with satisfactory proof of Parentage and orphanage being filed with Agent in six months, to be forwarded to the War Department, shall be entitled to a quarter section of Land, to be located under the direction of the President, and with his consent the same may be sold and the proceeds applied to some beneficial purpose for the benefit of said orphans.

ARTICLE XX. The U.S. agree and stipulate as follows, that for the benefit and advantage of the Choctaw people, and to improve their condition, there shall be educated under the direction of the President and at the expense of the U.S. forty Choctaw youths for twenty years. This number shall be kept at school, and as they finish their education others, to supply their place shall be received for the period stated. The U.S. agree also to erect a Council House for the Nation at some convenient central point, after their people shall be settled, and a House for each Chief, also a Church for each of the three Districts, to be used also as school houses, until the Nation may conclude to build others, and for these purposes ten thousand dollars shall be appropriated, also fifty thousand dollars (viz.) twenty five hundred dollars annually shall be given for the support of three teachers of schools for twenty years. Likewise there shall be furnished to the Nation, three Blacksmiths one for each district for sixteen years, and a qualified Mill Wright for five years. Also there shall be furnished the following articles, twenty one hundred blankets, to each warrior who emigrates a rifle, moulds, wipers and ammunition. One thousand axes, ploughs, hoes, wheels and cards each, and four hundred looms. There shall also be furnished, one ton of iron and two hundred weight of steel annually to each District for sixteen years.

ARTICLE XXI. A few Choctaw Warriors yet survive who marched and fought in the army with General Wayne, the whole number stated not to exceed twenty.

These it is agreed shall hereafter, while they live, receive twenty-five dollars a year, a list of them to be early as practicable, and within six months, made out, and presented to the Agent, to be forwarded to the War Department.

ARTICLE XXII. The Chiefs of the Choctaws who have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilege of a Delegate on the floor of the House of Representatives extended to them. The Commissioners do not feel that they can under a treaty stipulation accede to the request, but at their desire, present it in the Treaty, that Congress may consider of, and decide the application.

Done, and signed, and executed by the commissioners of the United States, and the chiefs, captains, and head men of the Choctaw nation, at Dancing Rabbit creek, this 27th day of September, eighteen and thirty.

Jno. H. Eaton	[L. S.]	Yobalarunehehubbee, his x mark	[L. S.]
Jno. Coffee	[L. S.]	Holubbee, his x mark	[L. S.]
Greenwood Leflore	[L. S.]	Robert Cole, his x mark	[L. S.]
Mushulatubbee, his x mark	[L. S.]	Mokelarehartopun, his x mark	[L. S.]
Nittucachee, his x mark	[L. S.]	Artonamarstubbe, his x mark	[L. S.]
Holarterhoomah, his x mark	[L. S.]	Lewis Perry, his x mark	[L. S.]
Hopeaunchahubbee, his x mark	[L. S.]	Hopeatubbee, his x mark	[L. S.]
Zishomingo, his x mark	[L. S.]	Hoshehoomah, his x mark	[L. S.]
Captainthalke, his x mark	[L. S.]	Chuallahoomah, his x mark	[L. S.]
James Shield, his x mark	[L. S.]	Joseph Kincade, his x mark	[L. S.]
Pishyubbee, his x mark	[L. S.]	Evarhocuttubbee, his x mark	[L. S.]
Hopermtusher, his x mark	[L. S.]	Hiram King, his x mark	[L. S.]
Aryoshkermer, his x mark	[L. S.]	Ogla Enlah, his x mark	[L. S.]
Shemotar, his x mark	[L. S.]	Nuffahtubbee, his x mark	[L. S.]
Hopeasketina, his x mark	[L. S.]	Tuska Hollatuh, his x mark	[L. S.]
Thomas Lefore, his x mark	[L. S.]	Kothoantichehubbee, his x mark	[L. S.]
Amokechatubbee, his x mark	[L. S.]	Evarpulubbee, his x mark	[L. S.]
Shokopertukna, his x mark	[L. S.]	Okentahubbe, his x mark	[L. S.]
Posherhoomah, his x mark	[L. S.]	Living War Club, his x mark	[L. S.]

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Robert Folsom. his x mark. [L. S.]
Amaryoltubbee. his x mark. [L. S.]
Kushondeerter. his x mark. [L. S.]
James Vaughan. his x mark. [L. S.]
Phelip. his x mark. [L. S.]
Meshameye. his x mark. [L. S.]
Ishtehpeta. his x mark. [L. S.]
Ityacherhopa. his x mark. [L. S.]
Offahoomah. his x mark. [L. S.]
Archalaiter. his x mark. [L. S.]
Onnahubbee. his x mark. [L. S.]
Pisnhocutubbee. his x mark. [L. S.]
Tullarthacher. his x mark. [L. S.]
Little leader. his x mark. [L. S.]
Maarthuter. his x mark. [L. S.]
Cowerhoomah. his x mark. [L. S.]
Tillamon. his x mark. [L. S.]
Imnullacha. his x mark. [L. S.]
Artopiachubbee. his x mark. [L. S.]
Shupherunchahubbee. his x mark. [L. S.]
Nitterhooman. his x mark. [L. S.]
Oaklaryubbee. his x mark. [L. S.]
Pukumna. his x mark. [L. S.]
Arnpatar. his x mark. [L. S.]
Holber. his x mark. [L. S.]
Hoparmingo. his x mark. [L. S.]
Isparhoomah. his x mark. [L. S.]
Tiebarhoomah. his x mark. [L. S.]
Tishohalarter. his x mark. [L. S.]
Mahayarchubbee. his x mark. [L. S.]
Artookalubbeetushpar. his x mark. [L. S.]
Mellubbee. his x mark. [L. S.] [L. S.]
Ansarkubbee. his x mark. [L. S.]
Issalerhoomah. his x mark. [L. S.]
Chohtahumatahah. his x mark. [L. S.]
Tunnuppeshubbee. his x mark. [L. S.]
Okocharyer. his x mark. [L. S.]
Hoshhopa. his x mark. [L. S.]
Warsharshahope. his x mark. [L. S.]
Maarashunchahubbee. his x mark. [L. S.]
Mesharyubbee. his x mark. [L. S.]
Daniel McCurtain. his x mark. [L. S.]
Tushkerharcho. his x mark. [L. S.]
Hoktoomtubbee. his x mark. [L. S.]
Nukniacrahoouharhee. his x mark. [L. S.]
Mingo hoomah. his x mark. [L. S.]
James Karnes. his x mark. [L. S.]
Tishohakubbee. his x mark. [L. S.]
Nasteraier. his x mark. [L. S.]
Pennasha. his x mark. [L. S.]
Inharyarker. his x mark. [L. S.]
Moffubbee. his x mark. [L. S.]
Nartaryubbee. his x mark. [L. S.]
Ishmaryubbee. his x mark. [L. S.]
James McKing. [L. S.]
Lewis Wilson. his x mark. [L. S.]
Istonakerharcho. his x mark. [L. S.]
Hoheirehamarfarher. his x mark. [L. S.]
Kinsulachubbee. his x mark. [L. S.]
Emarhinstubbee. his x mark. [L. S.]
Gysalindalra. brn. his x mark. [L. S.]
Thomas Wall. [L. S.]
Sam S. Worcester. [L. S.]
Arfarter. his x mark. [L. S.]
Nittahubbee. his x mark. [L. S.]
Tahonoush. his x mark. [L. S.]
Warsharchhoomah. his x mark. [L. S.]
Isaac James. his x mark. [L. S.]

John Jones. his x mark. [L. S.]
Charles Jones. his x mark. [L. S.]
Isaac Jones. his x mark. [L. S.]
Hocktuche. his x mark. [L. S.]
Muscogee. his x mark. [L. S.]
Eden feelson. his x mark. [L. S.]
Heshohomme. his x mark. [L. S.]
John McKolbery. his x mark. [L. S.]
Benim. James. his x mark. [L. S.]
Tikbachahambe. his x mark. [L. S.]
Ahokitube. his x mark. [L. S.]
Walking Wolf. his x mark. [L. S.]
John Wade. his x mark. [L. S.]
Big Axe. his x mark. [L. S.]
Bob. his x mark. [L. S.]
Tushkochaubbee. his x mark. [L. S.]
Ittabe. his x mark. [L. S.]
Tishowakayo. his x mark. [L. S.]
Folehommo. his x mark. [L. S.]
John Garland. his x mark. [L. S.]
Koshone. his x mark. [L. S.]
Ishleyohamubby. his x mark. [L. S.]
Jacob Folsom. [L. S.]
William Foster. [L. S.]
Ontkerharcho. his x mark. [L. S.]
Hugh A. Foster. [L. S.]
Pierre Juzan. [L. S.]
Jno. Pitchlynn, jr. [L. S.]
David Folsom. [L. S.]
Sholohommastube. his x mark. [L. S.]
Tesho. his x mark. [L. S.]
Lauvechubee. his x mark. [L. S.]
Hoshehammo. his x mark. [L. S.]
Ofenowo. his x mark. [L. S.]
Ahekoche. his x mark. [L. S.]
Kaloshoube. his x mark. [L. S.]
Atoko. his x mark. [L. S.]
Ishlemeeche. his x mark. [L. S.]
Enthhotohabe. his x mark. [L. S.]
Silas D. Fisher. his x mark. [L. S.]
Isaac Folsom. his x mark. [L. S.]
Hekatube. his x mark. [L. S.]
Hoisseche. his x mark. [L. S.]
Jerry Carney. his x mark. [L. S.]
John Washington. his x mark. [L. S.]
Pansheatubbee. his x mark. [L. S.]
P. P. Pitchlynn. his x mark. [L. S.]
Joel H. Nail. his x mark. [L. S.]
Hopa Stonakey. his x mark. [L. S.]
Kocohomma. his x mark. [L. S.]
William Wade. his x mark. [L. S.]
Panshatickubbee. his x mark. [L. S.]
Hoktanakchahubbee. his x mark. [L. S.]
Okiamowa. his x mark. [L. S.]
Nelto. his x mark. [L. S.]
James Fletcher. his x mark. [L. S.]
Silas D. Pitchlynn. [L. S.]
William Trahorn. his x mark. [L. S.]
Toshkahemmetto. his x mark. [L. S.]
Tathtayo. his x mark. [L. S.]
Emokidashahope. his x mark. [L. S.]
Tishhomita. his x mark. [L. S.]
Thomas W. Foster. his x mark. [L. S.]
Zadoe Brashears. his x mark. [L. S.]
Levi Perkins. his x mark. [L. S.]
Isaac Perry. his x mark. [L. S.]
Ishtonocka Hoomah. his x mark. [L. S.]

In presence of—

E. Breathitt, secretary to the Commission.
William Ward, agent for Choctaws.
John Pitchlyn, United States interpreter.
M. Mackey, United States interpreter.
Geo. S. Gaines, of Alabama.
R. P. Cumn.
Luke Howard.
Sam S. Worcester.
Jno. N. Byrn.
John Bell.
Jno. Bond.

SUPPLEMENTARY ARTICLES TO THE PRECEDING TREATY.

Various Choctaw persons have been presented by the Chiefs of the nation, with a desire that they might be provided for. Being particularly deserving, an earnestness has been manifested that provision might be made for them. It is therefore by the undersigned commissioners here assented to, with the understanding that they are to have no interest in the reservations which are directed and provided for under the general Treaty to which this is a supplement.

As evidence of the liberal and kind feelings of the President and Government of the United States the Commissioners agree to the request as follows, (to wit) Pierre Juzan, Peter Pitchlynn, G. W. Harkins, Jack Pitchlynn, Israel Folsom, Louis Laflore, Benjamin James, Joel H. Nail, Hopoynahubbee, Onorkubbee, Benjamin Laflore, Michael Laflore and Allen Yates and wife shall be entitled to a reservation of two sections of land each to include their improvement where they at present reside, with the exception of the three first named persons and Benjamin Laflore, who are authorized to locate one of their sections on any other unimproved and unoccupied land, within their respective districts.

ARTICLE II. And to each of the following persons there is allowed a reservation of a section and a half of land, (to wit) James L. McDonald, Robert Jones, Noah Wall, James Campbell, G. Nelson, Vaughn Brashears, R. Harris, Little Leader, S. Foster, J. Vaughn, L. Durans, Samuel Long, T. Magagha, Thos. Everge, Giles Thompson, Tomas Garland, John Bond, William Laflore, and Turner Brashears, the two first named persons, may locate one section each, and one section jointly on any unimproved and unoccupied land, these not residing in the Nation. The others are to include their present residence and improvement.

Also one section is allowed to the following persons (to wit) Middleton Mackey, Wesley Train, Choclehomo, Moses Foster, D. W. Wall, Charles Scoff, Molly Nail, Susan Colbert, who was formerly Susan James, Samuel Garland, Silas Fisher, D. McCurtain, Oaklahoma, and Polly Fillecuthey, to be located in entire sections to include their present residence and improvement, with the exception of Molly Nail and Susan Colbert, who are authorized to locate theirs, on any unimproved unoccupied land.

John Pitchlynn has long and faithfully served the nation in character of U. States interpreter, he has acted as such for fourty years, in consideration it is agreed, in addition to what has been done for him there shall be granted to two of his children, (to wit) Silas Pitchlynn, and Thomas Pitchlynn one section of land each, to adjoin the location of their father, likewise to James Madison and Peter sons of Mushulatubbee one section of land each to include the old house and improvement where their father formerly lived on the old military road adjoining a large Prairie.

And to Henry Groves son of the chief Natchache there is one section of land given to adjoin his father's land.

And to each of the following persons half a section of land is granted on any unoccupied and unimproved lands in the Districts where they respectively live (to wit) Wilks Harkins, James D. Hamilton, William Juzan, Tobias Laflore, Jo Doke, Jacob Folsom, P. Hays, Samuel Worcester, George Hunter, William Train, Robert Nail and Alexander McKee.

And there is given a quarter section of land each to Delila and her five fatherless children, she being a Choctaw woman residing out of the nation, also the same quantity to Peggy Trihan, another Indian woman residing out of the nation and her two fatherless children, and to the widows of Pushmiaha, and Pucktshenubbee, who were formerly distinguished Chiefs of the nation and for their children four quarter sections of land, each in trust for themselves and their children.

All of said last mentioned reservations are to be located under and by direction of the President of the U. States.

ARTICLE III. The Choctaw people now that they have ceded their lands are solicitous to get to their new homes early as possible and accordingly they wish that a party may be permitted to proceed this fall to ascertain whereabouts will be most advantageous for their people to be located.

It is therefore agreed that three or four persons (from each of the three districts) under the guidance of some discreet and well qualified person or persons may proceed during this fall to the West upon an examination of the country.

For their time and expenses the U. States agree to allow the said twelve persons two dollars a day each, not to exceed one hundred days, which is deemed to be ample time to make an examination.

If necessary, pilots acquainted with the country will be furnished when they arrive in the West.

ARTICLE IV. John Donly of Alabama who has several Choctaw grand children, and who for twenty years has carried the mail through the Choctaw Nation, a desire by the Chiefs is expressed that he may

*Supplement begins with Article II because it refers to Article II of the treaty. Article I is not missing.

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have a section of land. It is accordingly granted to be located in one entire section on any unimproved and unoccupied land.

Allen Glover and George S. Gaines is entered Traders in the Choctaw Nation, have accounts amounting to upwards of nine thousand dollars against the Indians who are unable to pay their said debts without distressing their families, a desire is expressed by the chiefs that two sections of land be set apart to be sold and the proceeds thereof to be applied toward the payment of the aforesaid debts. It is agreed that two sections of any unimproved and unoccupied land be granted to George S. Gaines who will sell the same for the best price he can obtain and apply the proceeds thereof to the credit of the Indians on their accounts due to the before mentioned Glover and Gaines, and shall make the application to the poorest Indian first.

At the earnest and particular request of the Chief Greenwood Leflore there is granted to David Haley one half section of land to be located in a half section on any unoccupied and unimproved land as a compensation for a journey to Washington City with dispatches to the Government and returning others to the Choctaw Nation.

The foregoing is entered into as supplemental to the treaty concluded yesterday.

Done at Dancing Rabbit creek the 28th day of September 1830.

Jno H. Eaton	L. S.	Robert Cole his x mark	L. S.
Jno. Coffee	L. S.	Hopaulechahubbee his x mark	L. S.
Greenwood Leflore	L. S.	David Folsom	L. S.
Nittucachee his x mark	L. S.	John Garland his x mark	L. S.
Mushulatubbee his x mark	L. S.	Hopahtoomah his x mark	L. S.
Offahoomah his x mark	L. S.	Captain Thalko his x mark	L. S.
Evarhoetubbee his x mark	L. S.	Pierre Juzan	L. S.
Iyaheerhopia his x mark	L. S.	Immatashee his x mark	L. S.
Holubbee his x mark	L. S.	Hoshonhomastar his x mark	L. S.
Onahubbee his x mark	L. S.		

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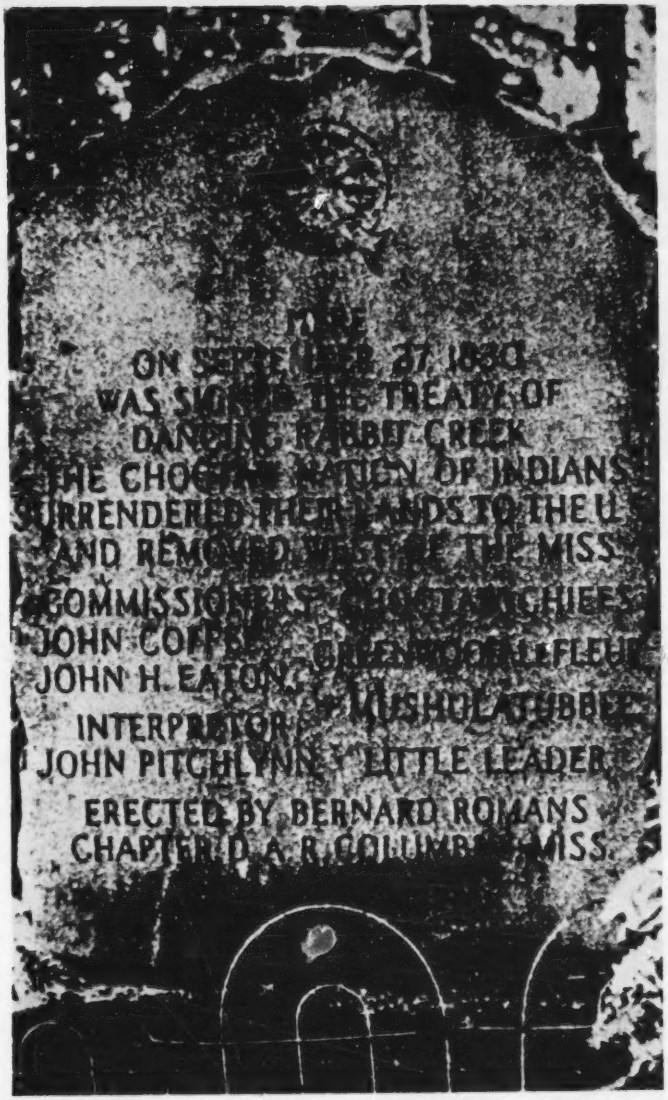
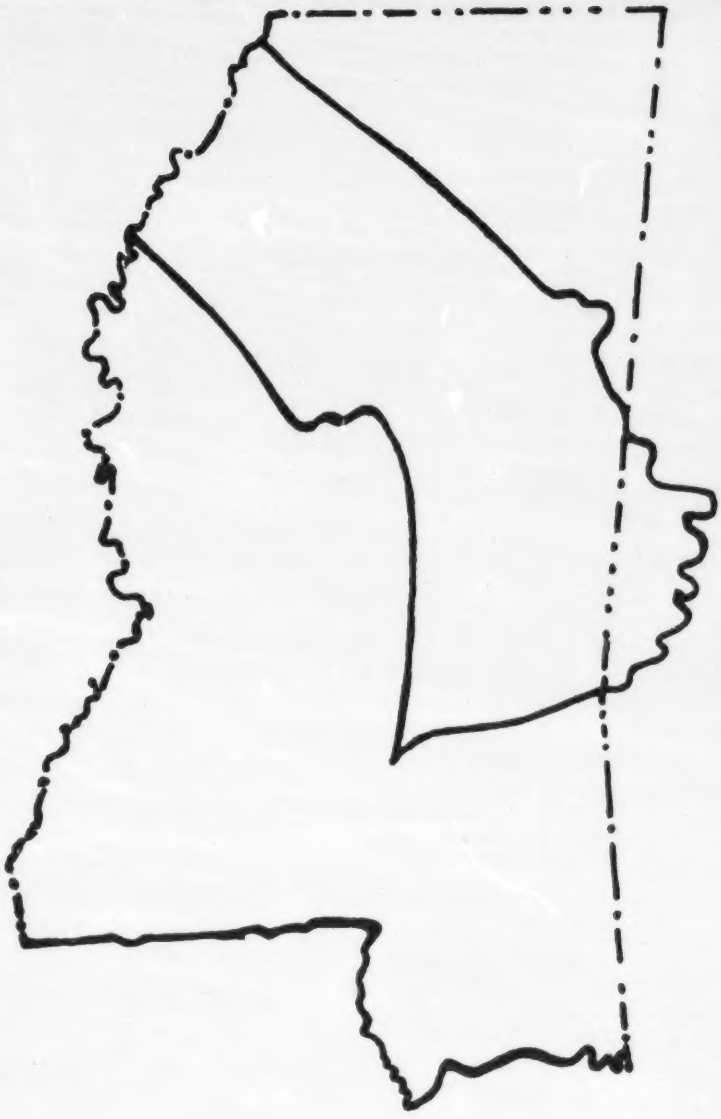


This marker at Dancing Rabbit Creek was donated by the Bernard Romans Chapter of the Daughters of the American Revolution in Columbus, Mississippi. It serves as a monument to the signing of the Treaty of Dancing Rabbit Creek. — *Photo courtesy of Edward John*



Dancing Rabbit Creek Land Cession, 1830. The remaining 10,432,130 acres was lost in this treaty signed by the Choctaw Nation in Mississippi. — *Drawing by Theron Denson*

CHAPTER 5

CHOCTAW STICKBALL

Bradley Williams

The Mississippi Choctaw sport, stickball (kaboccca), is known as the "granddaddy of all American sports". The game is played annually during the Choctaw Indian Fair. The early French explorers referred to the game as 'LaCrosse'. Many modern American sports have characteristics of stickball. Football is similar in that it is an intense contact sport; basketball is similar because agility and swiftness are required and both games starts with a jump ball in the center of the playing area; and hockey is similar through the use of sticks, and its rules, i.e. a player is removed from play for a designated duration of time. This paper will present a description of how the sticks and balls are made and an explanation of how the game was played long ago and is played today.

In order to make a pair of stickball sticks, the first step is to go into the woods and find a good hickory tree. These trees are probably best for making stickball sticks. Hickory can be found easily in most Mississippi woods. When a good hickory tree is found, it is either chopped down with an axe or cut with a power saw.

Afterwards, it is quarter or halved depending on the size of the wood. Next, the bark is peeled off and the basic shaping begins. When this step is completed, the shaping of the cups begins with a draw knife. This part is thinned to a certain size, and then it is dipped in hot grease so it will not break or crack while it is in the process of being bent or shaped.

After bending, it is tied with wood (hickory) strips for a certain period of time to keep the cup in shape. After a while, it is shaped further by adding human body weight on the sticks.[1]

Then, a metal rod is heated to make three holes around the cup. The final touch is to thread laces through the holes in order to bind the cup and tightly secure it to the sticks.

According to Jackson Isaac, an elderly Mississippi Choctaw who grew up making stickball sticks, the cost of a good pair of sticks was around fifty cents to one dollar in his younger days. Now, the price of a good pair of incomplete sticks, sticks which are not tied with deerskin strings, is about twenty to twenty-five dollars. A complete pair, sticks tied with deerskin strings, is about fifty to seventy-five dollars. He also said that if one takes good care of the sticks during the games, "(They) will last . . . a long time".[2]

[1]Bill Brescia and Carolyn Reeves, *"Stickball and Rabbit Sticks"* By the Work of Our Hands: Choctaw Material Culture, (Philadelphia, Mississippi: Choctaw Heritage Press, 1982), p. 3.

[2]Ibid., p. 3.

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According to William Jackson, the making of a stickball requires a lot of time and practice, "but once you get the hang of it, it is easy and you can make as many as you want within a day". He says that the materials needed to make a stickball are something solid for the center, cloth strips, thread, and deerskin. William Jackson uses a one-half inch cube wood block for the center of the ball. This cube is wrapped with cloth strips until it is about two inches in diameter. The next step is to wrap white thread around the cloth in order to secure the cloth tightly. The final step is to weave deerskin strips around the ball as the covering. He says that these stickballs are made to use during stickball games and to be sold at the Choctaw Fair.[3]

No one really knows when or how stickball got started. The present day Choctaws know that it is a tradition. In 1564, when Rene Laudonniere came through Mississippi commanding an expedition to Florida, stickball was being played then. There were six to seven hundred players on the playing field at the same time from one team.[4] A Choctaw man whose wife was pregnant was ineligible to play, it was believed by the Choctaws that the father had given most of his strength to the baby inside the mother.[5] The goal posts were as far as a mile apart. Now, it is played on a one-hundred yard football field. Long ago, there could be an unlimited number of players on a team, but today only twenty (20) players from a team are allowed on the playing field. No one seventeen-years-old and under is allowed to play at the annual Choctaw Indian Fair. The teams consist of Choctaws who reside on the Choctaw Indian Reservation near Philadelphia, Mississippi.

In times past, stickball was played until a certain number of points were scored and it usually lasted one day; sometimes more than one day was needed. The team who first scored a set amount of points was the winner. Today, stickball is played in four (4) fifteen-minute quarters. The team with the most points at the end of the fourth quarter is the winner. In case of a tie, the game goes into overtime until one team scores.

A player cannot touch the ball with his hand or kick it with his feet. When a player gets into a fight with an opponent, he is ejected from the game for the remainder of the quarter. It is a rough game without any safety equipment. A stickball player really does take his life into his own hands in the game of Choctaw stickball. Choctaw stickball is one of the American Indian field sports which is still being played in America today.

If one has never seen a stickball game played by the Mississippi Choctaws, they will want to see it at the Choctaw Indian Fair held on the reservation at the Pearl River Choctaw Indian Community, eight miles west of Philadelphia, Mississippi in the early part of July. Sometime in the fall,

[3]Interview with William Jackson, Bilingual Summer Institute, Philadelphia, Mississippi, 24 June 1983.

[4]Jesse Burt and Bob Ferguson, *Southeastern Games* Indians of the Southeast: Then and Now, New York: Abingdon Press, 1973), p. 84.

[5]Ibid., p. 86.

Choctaw stickball can be seen at the annual Choctaw Indian Pow-Wow held near the same location as the Choctaw Fair.

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The stickball stick is being shaped into a loop with a hickory bark string and a pocket knife. — *Photo by Bill Brescia*

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William Jackson starting to shape a Choctaw stickball — *Photo by Claude Allen*

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The looped cup is drilled with a hot iron on three sides. — *Photo by Bill Brescia*

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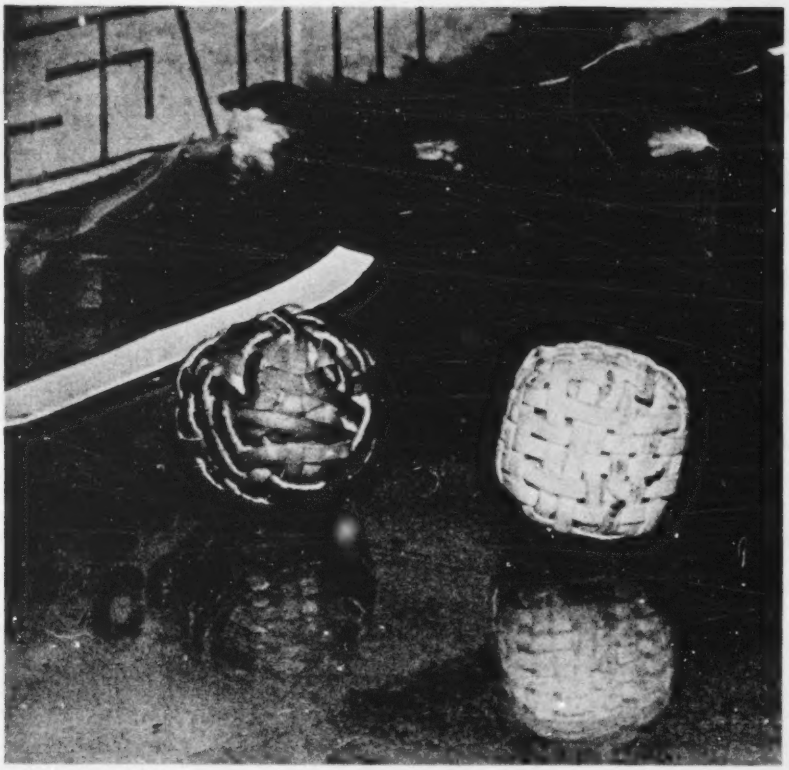
After the hickory bark string is removed, the stick is tied with leather thongs.— *Photo by Bill Brescia*

Cecil Dixon, as he completes a pair of Choctaw stickball sticks. — *Photo by Bill Brescia*

A rag ball is covered with thread for the inner core.— *Photo by Claude Allen*

A layer of leather is sewed over the inner core.— *Photo by Claude Allen*



Two examples of a completed Choctaw stickball — *Photo by Claude Allen*

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CHAPTER 6

CHOCTAW SELF-DETERMINATION: AN OVERVIEW

Reginald Gardner

Most American Indians now living on Indian "trust" land in the United States have their own form of government. Recent legislation, such as the Indian Civil Rights Act and the Indian Self-Determination Act, has given tribes the impetus to serve important educational, social, economic, and political functions within their boundaries. During the 1930's and 1940's, Indian tribes who wished to reorganize could do so under the Indian Reorganization Act (IRA) otherwise known as the Wheeler-Howard Act.[1] One of the stipulations of the IRA was for the tribes to adopt a constitution and by-laws similar to those of the United States. In 1945, the Mississippi Band of Choctaw Indians became a federally recognized Indian tribe under the IRA. The Mississippi Band of Choctaw Indians adopted their own constitution and by-laws with a preamble. The Preamble reads as follows:

> We, the Choctaw Indians, members of the Mississippi Band of Choctaw Indians, desiring to promote the achievement of self-government for the Choctaw people, do, for our welfare and benefit, hereby adopt and proclaim the following constitution and bylaws.[2]

The Mississippi Band of Choctaw Indians consists of seven recognized Choctaw communities in Mississippi. The communities are: (1) Bogue Chitto, (2) Conehatta, (3) Pearl River, (4) Red Water, (5) Standing Pine, (6) Tucker, and (7) Bogue Homa. Most communities are in close proximity to the original Choctaw villages and towns. There are several non-recognized communities also.

The Community Development Clubs are one of the sound channels of communication between the community council representatives and tribal administration with the local community people. The club meetings function as a forum to air concerns and needs of the community people.

There are nearly five thousand Choctaw Indians living on or near the Choctaw Indian Reservation in Mississippi. They elect sixteen (16) members to the Tribal Council, and also the Tribal Chief, who serves as the primary administrator. Presently, membership to the tribe, residence, and age are the only requirements to be a candidate for any tribal office.

After the IRA of 1934 and the adoption of the tribal constitution and by-laws, the tribal government was under the influence of the local Bureau of

[1]Mississippi Band of Choctaw Indians, *Tribal Government: A New Era*, ed. Bill Brescia (Philadelphia, Mississippi: Choctaw Heritage Press, 1982), p. 21.

[2]Ibid., p. X.

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Indian Affairs (BIA) Superintendent, who had a great deal of authority in Choctaw affairs. The tribal leadership recognized early that they could not achieve independence, whether educational or economic, unless they took the initiative themselves. However, the Choctaw tribe had no funds to operate programs nor experience in the American form of government. Upon the recommendation of some tribal council members, the BIA Superintendent approved the cutting of tribal timber for sale and for building wood-framed houses, some of which still provide shelter for Choctaws. Approximately thirty thousand dollars was made from the sale of tribal timber. This amount constituted the first tribal budget.

With the funding in 1966 of the Choctaw Community Action Agency, under the Office of Economic Opportunity, the Choctaw government began to experience self-government.[3] In 1971 the Choctaw Tribal Council established a broad goal of tribal self-determination by contracting services provided to the tribe by federal agencies, e.g., Indian Health Service and the BIA.[4] This reorganization plan of tribal self-determination was a response to the aims and goals as expressed by the U.S. President, Richard M. Nixon, in his 1970 Indian Policy Statement of Indian Self-Determination. The Choctaw philosophy of self-determination is as follows:

(1) The long-range goals of all tribal efforts to end Indian poverty and to substitute tribal control for federal management of Indian reservations

(2) Lasting change on an Indian reservation must come from action by the Indian people

(3) Fundamental change can be initiated by tribal leaders by bringing the major decision-making processes under tribal control and generating a sustained and coordinated tribal development effort

(4) These efforts can only be accomplished by a strong tribal government which can retain the active support of its people[5]

In line with this philosophy, two distinct but related goals were established by the Choctaw tribal government. The goals are as follows:

(1) To reduce poverty among the Choctaw people through development of the Choctaw reservation

(2) To substitute tribal control for federal management of the Choctaw Reservation[6]

[3]Mississippi Band of Choctaw Indians, *Fact and Information Sheet on the Mississippi Choctaw Indians* (Philadelphia, Mississippi, November 16, 1973), Mimeographed, p. 1.

[4]Ibid.

[5]Ibid., p. 2.

[6]Ibid.

Since 1945, the Choctaw tribal government has made great strides in improving the reservation communities. However, tribal governments as a facsimile of the larger American government are not immune to critcisms normally addressed in the political context. As Felix S. Cohen stated in his article, "Indian Self-Government:"

> Self-government is not a new or radical idea. Rather, it is one of the oldest staple ingredients of the American way of life. Many Indians in this country enjoyed self-government long before the European immigrants who came to these shores did. It took the white colonists north of the Rio Grande about 170 years to rid themselves of the traditional European pattern of the divine right of kings, or what we call today, the long arm of bureaucracy, and to substitute the less efficient but more satisfying Indian pattern of self-government. Indian self-government is not a new or radical policy but an ancient fact. It is not something friends of the Indians can confer upon the Indians. Nobody can grant self-government to anybody else. The Federal Government, which is today the dominant power of the civilized world, cannot give self-government to an Indian community. All it can really do for self-government is to get out of the way.[7]

Since the beginning of Choctaw self-determination and reorganization, major changes in the federal Indian policy have greatly influenced the development of the reservation. Some of the changes since 1972 on the Choctaw reservation are as follows:

Merger of the Choctaw Community Action Agency administration within the Choctaw tribal government administration

Adoption of standard leasing procedures for tribal lands

Adoption of Tribal Ordinance #6: An Ordinance to Establish Election Rules and Procedures of the Mississippi Band of Choctaw Indians

Establishment of Central Finance Office to handle bookkeeping and accounting for all tribal programs

Adoption of standard Tribal Financial Policies and Procedures

Adoption of standard Tribal Personnel Policies

Establishment of a basic departmental structure for the tribal government, currently consisting of five departments

Adoption by the voters of a Revised Consitution and By-laws providing for the direct, at-large election of the Tribal Chief and staggered four-year terms for members of the Tribal Council.

Establishment of the Choctaw Housing Authority, Choctaw Utility Commission, and Choctaw Transit Authority, to bring housing, utility, and

[7]Mississippi Band of Choctaw Indians, *"Accelerated Progress Through Self-Determination"* First Annual Report of the Choctaw Self-Determination Project, July 1, 1971 - October 31, 1972, (Philadelphia, Mississippi, 1972), p. 1.

transportation services to the Choctaw people

The accumulation of federal grant and contract programs providing srevices to the Choctaw people, from an annual level of $15,000 in 1965, to a current level in excess of $9 million

The greatest emphasis during the past decade has been in the area of economic and industrial development. A thirty-acre industrial park now has two industries -- Chahta Enterprise, a wire-harness manufacturing plant, a dedicated* supplier of Packard Electric Division, and Choctaw Greetings, a subsidiary of American Greetings Company, the second largest card manufacturing plant in the world. At present, there is no tax commission to assess corporate and business taxes for the tribe.

Other recent accomplishments include the following:

Creation of Chata Construction Company which contracts to build houses and facilities on the reservation. Chata completed $3,100,000 in construction from FY 1972 to date.

Creation of other components of the tribal government include:

Utility Commission
Housing Authority
Fair Development Board
Arts and Crafts Board
Consumer Cooperative
Board of Education
Land Enterprises
Tribal Educational Programs
Tribal Manpower Training and Development Programs
Tribal Facilities
Tribal Community services
Tribal Health Programs[8]

As the Choctaw tribal government enters into the decade of the 1980's and what seems to be an era of "ultra-conservatism" in America, it will be well for the Choctaws to give heed to the broad perspective of government in order to excel and accomplish the tribal governmental goals of self-determination and economic self-sufficiency. Felix S. Cohen summed up the ultimate goals of Indian tribal governments when he wrote:

Government is not a science; it is not primarily a matter of wisdom or technique or efficiency. Government is a matter chiefly of human purpose and of justice, which depends upon human purpose. And each

* *Special contractural supplier relationship.*

[8]Mississippi Band of Choctaw Indians, *Fact and Information Sheet*, p.p. 2-3.

of us is a more faithful champion of his own purposes than any expert. The basic principles of American liberty is distrust of expert rulers, a recognition, in action's words, that power corrupts and that absolute power corrupts absolutely. That is why America, despite all the lingo of the administrative experts, has insisted upon self-government rather than "good government", and has insisted that experts should be servants, not masters. And what we insist upon in the governing of these United States, our Indian fellow-citizens also like to enjoy in their limited domains: the right to use experts when their advice is wanted and the right to reject their advice when it conflicts with purposes on which we are all our own experts. The classical answer to Hamilton-Schurz -- Indian Bureau philosophy of "expert government" is the answer given by Thomas Jefferson in a letter to the Cherokee Indians in 1808. Jefferson said: "The fool has as great a right to express his opinion by vote as the wise, because he is equally free and equally master of himself." The issue is not only an issue of Indian rights: it is the much larger one of whether American liberty can be preserved.[9]

Since 1945, the Choctaw tribal government has demonstrated considerable progress amid a tremendous effort from local and state governments to offset this program. In 1978, the U. S. Supreme Court denied the state of Mississippi jurisdiction over the Choctaw Reservation. With this landmark decision, the Choctaw tribal government should enter an unprecedented era of American Indian community and reservation development.

[9]Mississippi Band of Choctaw Indians, *First Annual Report*, p. 4.

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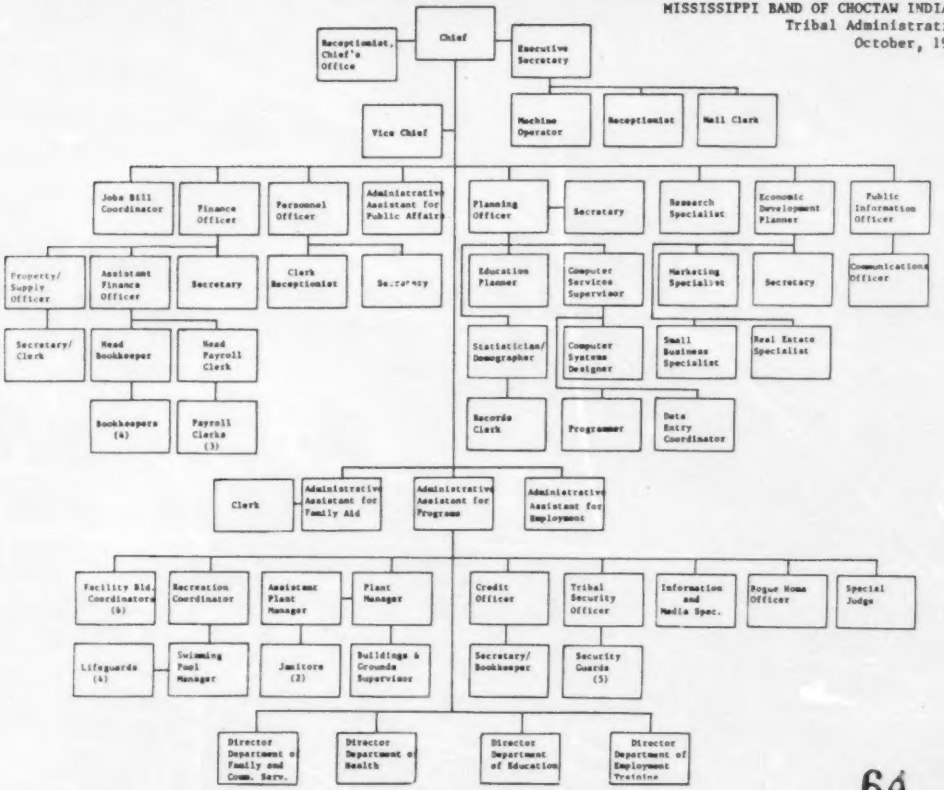
MISSISSIPPI BAND OF CHOCTAW INDIANS
Tribal Administration
October, 1983



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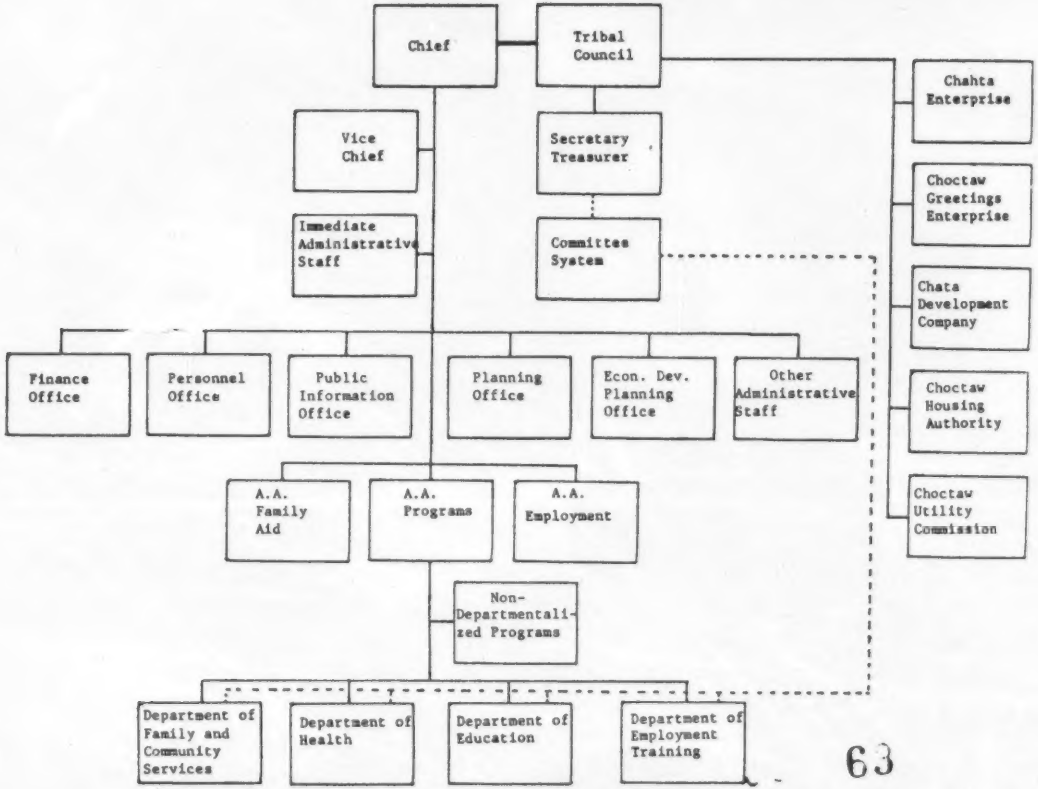
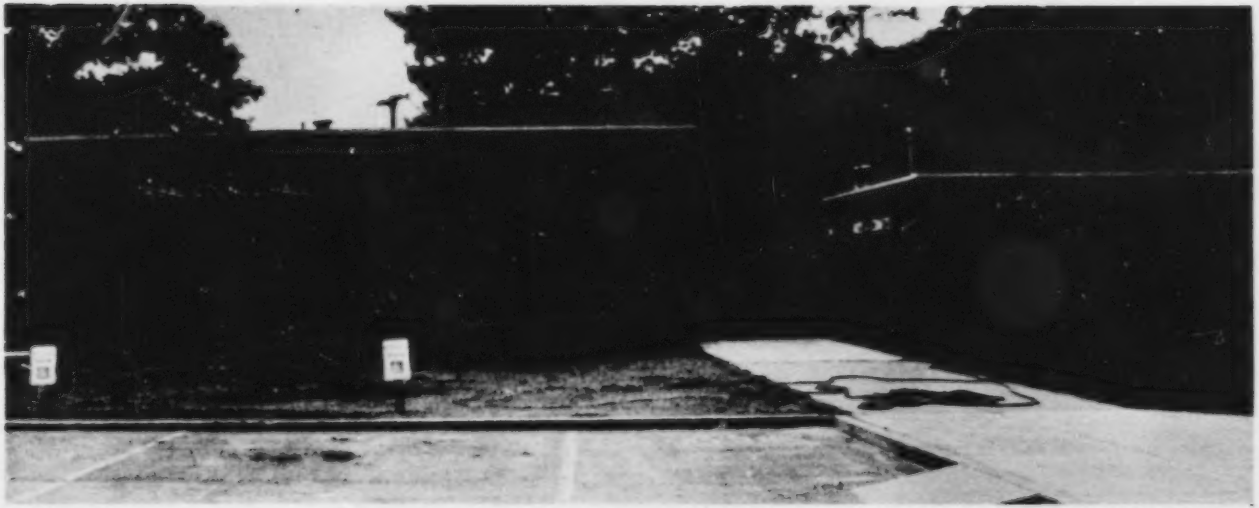


MISSISSIPPI BAND OF CHOCTAW INDIANS
OVERALL ORGANIZATIONAL STRUCTURE

Choctaw Chief, Phillip Martin — *Photo by Bill Brescia*

Secretary-Treasurer Beasley Denson swears in newly-elected members of the Tribal Council July 12, 1983 (left to right): William Comby, Maxine Dixon, Joe D. Isaac, John J. Farmer, Hayward Bell, Russell Willis, John Mingo and Frank Steve. — *Photo by Edward John*

Red Water representatives Mattie Willis (left) and Maxine Dixon (right), and Conehatta representative Roger Anderson, members of the Tribal Council — *Photo by Edward John*



Front view of the Choctaw Tribal Council Hall near Philadelphia, Mississippi -- *Photo by Bill Brescia*

Front view of Chata Development Company, a state chartered tribally owned business enterprise — *Photo by Bill Brescia*

View of the Chahta Enterprise, a tribally-owned business producing electric wire harnesses — *Photo by Bill Brescia*